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Рекомендуется для студентов юридического факультета. Учебное пособие может использоваться на занятиях по дисциплине «Практикум по переводу» при подготовке переводчиков по программе дополнительного образования «Переводчик в сфере профессиональной коммуникации».

Для дополнительного образования «Переводчик в сфере профессиональной коммуникации»
ПРЕДИСЛОВИЕ

В настоящем пособии представлены научные, научно-популярные, газетно-информационные, законодательные тексты, документы физических и юридических лиц, судебные решения и другие тексты по специальности «Юриспруденция».

Цель пособия – научить студентов переводить тексты различных жанров по специальности. Основное внимание удалено переводу с английского языка на русский, однако пособие также предполагает формирование навыков перевода с русского языка на английский и сопоставительный анализ некоторых жанров текста.

ТЕХТ 1

Thomas Jefferson

Thomas Jefferson wished to be remembered for three achievements in his public life. He had served as governor of Virginia, as U.S. minister to France, as secretary of state under George Washington, as vice-president in the administration of John Adams, and as president of the United States from 1801 to 1809. On his tombstone, however, which he designed and for which he wrote the inscription, there is no mention of these offices. Rather, it reads that Thomas Jefferson was "author of the Declaration of American Independence, of the Statute of Virginia for religious freedom, and Father of the University of Virginia" and, as he requested, "not a word more." Historians might want to add other accomplishments – for example, his distinction as an architect, naturalist, and linguist – but in the main they would concur with his own assessment.

Early Life

Jefferson was born at Shadwell in what is now Albemarle County, Va., on Apr. 13, 1743. He treated his pedigree lightly, but his mother, Jane Randolph Jefferson, came from one of the first families of Virginia; his father, Peter Jefferson, was a well-to-do landowner, although not in the class of the wealthiest planters. Jefferson attended the College of William and Mary and then studied law with George Wythe. In 1769 he began six years of service as a representative in the Virginia House of Burgesses. The following year he began building Monticello on land inherited from his father. The mansion, which he designed in every detail, took years to complete, but part of it was ready for occupancy when he married Martha Wayles Skelton on Jan. 1, 1772. They had six children, two of whom survived into adulthood: Martha Washington Jefferson (1772-1836); Jane
Randolph Jefferson (1774-75); infant son (1777); Mary Jefferson (1778-1804); Lucy Elizabeth Jefferson (1780-81); Lucy Elizabeth Jefferson (1782-84).

Jefferson's reputation began to reach beyond Virginia in 1774, when he wrote a political pamphlet “A Summary View of the Rights of British America”. Arguing on the basis of natural rights theory, Jefferson claimed that colonial allegiance to the king was voluntary. "The God who gave us life," he wrote, "gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them."

**Declaration of Independence**

Elected to the Second Continental Congress, meeting in Philadelphia, Jefferson was appointed on June 11, 1776, to head a committee of five in preparing the Declaration of Independence. He was its primary author, although his initial draft was amended after consultation with Benjamin Franklin and John Adams and altered both stylistically and substantively by Congress. Jefferson's reference to the voluntary allegiance of colonists to the crown was struck; also deleted was a clause that censured the monarchy for imposing slavery upon America.

Based upon the same natural rights theory contained in “A Summary View”, to which it bears a strong resemblance, the Declaration of Independence made Jefferson internationally famous. Years later that fame evoked the jealousy of John Adams, who complained that the declaration's ideas were "hackneyed." Jefferson agreed; he wrote of the declaration: "Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind."

**TEXT 2**

**220 000 pounds for Victim of Police Assault**

A hairdresser won 220 000 pounds damages yesterday after a jury found that he was assaulted by police and wrongly arrested. This happened after counsel for Din Zung, 32, urged the jury to send a clear message that the public would no longer stand for "lying, bullying, racism and perjury" by the Metropolitan Police.

Central London County Court was told that police went to Mr. Zung's home over a dispute involving a leaking roof. Mr.Zung was arrested after refusing to allow officers in without a warrant. Akmal Khan, his solicitor, said his client's arms were twisted behind his back and he was handcuffed. "They punched and kicked him in the van and he was kicked in the kidneys." Another policeman used his back as a footstool and the driver turned round and insulted him verbally saying he had got no more than he deserved. The charge officer told him, "I've never arrested a Chink before." When he was released at 11 p.m.
that night they threw him into the street in just jeans and flip-flops. "He had to walk two miles home," Mr.Khan said.

When Mr.Zung arrived home, the front door was open and his stereo and other property had been stolen. Doctors found extensive bruising to his back and kidneys and he was passing blood.

Mr.Zung made a formal complaint to the Police Complaints Authority. Despite a police surgeon confirming the injuries, the complaint was rejected and he decided to sue.

Ben Emmerson, counsel for Mr.Zung, urged the jury to send a strong message to Sir Paul Condon by awarding damages that would hit his budget. "In this case a small award would be regarded as a victory by the officers."

A statement issued on behalf of Sir Paul, the Metropolitan Police Commissioner, said: "We believe the award to be excessive and we are going to appeal against the size of the award but not the verdict."

The Metropolitan Police said no action would be taken against the constables involved: Christopher Smith, Andrew Morris and Bob Davies.

In a separate case at the same court Terence Wilkinson, 27, was awarded 64 000 pounds damages. He had accused other officers from the same area of wrongful arrest and assault, false imprisonment and malicious prosecution.

**TEXT 3**

**If You Can Marry, Should You?**

Fast facts to help you decide whether you're ready to pop the question.

If same-sex marriage is ever legalized, you and your partner will need to decide whether marriage is right for you. Here are some things to think about before you pop the question.

- If you have children or hope to raise a family, marriage is probably the right option. Married couples by law have equal rights to raise their children, as well as equal obligations of support. In a divorce, both parents can seek visitation and custody, and if one parent dies the other one steps right in as the primary legal parent. It is nearly impossible to make these sorts of arrangements absent a legal marriage.

- Marriage isn't a pre-requisite for owning property together, but if you get married, in most situations in most states your property will be jointly owned regardless of who pays for it. This is the reverse of the presumption that applies to unmarried couples. Getting married may be the most efficient way of establishing a property merger – though if keeping things separate is more to your taste, you will have to sign a prenuptial agreement to avoid the joint ownership presumptions of a legal marriage.
• In most states, each married spouse's earnings are owned by the two of you, and if the marriage breaks up – regardless of who's at fault – you each generally get half of everything you've accumulated. By contrast, if you are unmarried, your property is co-owned only if you have an agreement to that effect; likewise for debts and obligations. Divorcing couples are also entitled to demand alimony if the marriage doesn't last, without the need for any explicit contract providing for post-separation support.

• Every marriage requires a formal ceremony, and every marital separation requires some kind of formal court action, and quite often the help of a lawyer. Unmarried couples can break up informally, on their own terms.

• Absent a legal marriage, a couple needs to sign several agreements to create even a partial framework of protection in the event of death, and certain tax benefits are forever denied to unmarried couples. If you are married, however, the surviving spouse generally inherits all the property if the partner dies without a will. At death, a bequest from one spouse to another is tax free, regardless of its size.

• Transfers of property upon dissolution of the relationship are also tax free for legally married couples, but not for unmarrieds.

• Marriage can bestow a bevy of important benefits, including military or Social Security benefits, health care and nursing home coverage. Marriage may also qualify you for unpaid leave from your job under the Family Leave Act. But watch out — a married person's income could disqualify a spouse from receiving Social Security, welfare or medical benefits she'd receive if she was unmarried.

• A legal marriage is the only reliable method of providing a foreign lover with the privileges of immigration to this country, when he doesn't qualify under work or other provisions of the Immigration Act.

If you are ever allowed to make this difficult decision, first decide whether you fall into one of the got-to-marry or better-not-marry situations. Raising kids, courting a foreign lover or facing a serious illness, for example, generally favors a marriage (unless it disqualifies you for Medicaid), whereas getting saddled with your partner's debts or losing Social Security benefits probably favors a no vote.

If you don't fall into either extreme, take a close look at the marital property rules for your particular state, evaluate the benefits given your personal situation and get a good sense of what being married would do for you finan-
cially. Then, consider whether being married feels right for both of you emotionally. If the answers come back positive for both of you, then proceed, but consider creating a prenuptial agreement if any aspect of the traditional marriage structure doesn't meet your needs. If the impact of marriage feels unduly negative for one or both of you, however, hold off. The push for legalizing same-sex marriage isn't likely to make marriage mandatory.

TEXT 4

The Death Penalty Dilemma

On February 24th of this year, two masked men walked into the bodega which Andre Gonzalez operated in a poor section of Manhattan. They demanded money, and when Gonzalez resisted one of the robbers killed him with a shotgun blast to the chest. The robber in turn was killed by Gonzalez's son with a licensed 38-calibre pistol kept in the store for protection. The other robber fled.

Gonzalez's fate is not unusual in New York City. What is unusual is the true justice achieved by the son's justified killing of his father's murderer. If the murderer's confederate is caught and convicted, however, he will not pay with his life, thanks to Governor Mario Cuomo's repeated rejection of efforts to restore capital punishment in that state.

Pace of Executions

The pace of executions in this country has fluctuated in recent decades, mostly in response to shifting rulings by the Supreme Court. During the 1950s, executions averaged about 50 a year, but they slowed in the late 1950s and came to a stop so that no executions occurred between 1967 and 1977. Executions resumed sporadically and since 1984 have averaged roughly 20 a year.

Thirty-six states now authorize the death penalty, typically for murder. Federal law provides for the death penalty in various cases within federal jurisdiction, including: first-degree murder; murder while a member of the armed forces; retaliatory murder of a member of the immediate family of law enforcement officials; murder of a member of Congress, an important executive official, or a Supreme Court justice; destruction of aircraft, motor vehicles, or related facilities resulting in death; destruction of government property resulting in death; mailing of injurious articles with the intent to kill or resulting in death; assassination or kidnapping resulting in the death of the President or Vice President; willful wrecking of a train resulting in death; bank robbery-related murder or kidnapping; treason; murder of federal judges and officers; espionage; death resulting from aircraft hijacking; and witness tampering where death results. In 1988, Congress also authorized the death penalty for certain drug offenses, but no one has yet been executed under those provisions. Various proposals introduced in Congress in 1993 would extend the death
penalty to almost 50 additional crimes where death results, including murders committed by prisoners in federal correctional institutions, drive-by shootings, and kidnappings which result in the death of any person.

The framers of the Constitution clearly did not intend to outlaw the death penalty on either the state or federal level. The Bill of Rights, which originally applied only to the federal government until its provisions were erroneously applied to the states in this century, explicitly validated that penalty in its Fifth Amendment provisions that "no person shall be held to answer for a capital or other infamous crime" except by action of a grand jury, and that "no person shall be deprived of life, liberty, or property, without due process of law".

However, the prospect of expanded federal capital crimes ought to give pause to those who generally favor the death penalty. The Constitution gives the federal government no general criminal jurisdiction. In recent decades, unfortunately, federal law has intruded into large areas of state responsibility through expansive interpretations of congressional power to regulate interstate commerce and to oversee the activities of recipients of federal subsidies. Expansion of federal capital crimes would compound this abuse.

TEXT 5

International Crimes in Darfur

Since the conflict in Sudan has erupted in 1983, it is estimated that a campaign of ethnic cleansing has killed nearly 2 million people and 4.5 million persons have been forcibly displaced from their homes. The United Nations Commission of Inquiry, which was primarily assigned with the task of investigating the crisis in Darfur with the support of the Security Council, concluded in its January report that the Sudanese Government and the Janjaweed militias were largely responsible for the violence. However, the Sudanese government continues to deny its role in the abuses and has made little effort to minimize the scale of the crisis.

Background on the Sudan Crisis

1. Civil War in Sudan

The Sudan Crisis originates from a twenty one year civil war between the Muslim North and the non-Muslim South. The Muslim North is mainly composed of government supporters, whereas the non-Muslim South is comprised of rebel soldiers from the Sudan People's Liberation Army and National Islamic Front members. As an initial step to officially end the civil war, a cease-fire agreement was agreed on May 26, 2004 in Naivasha, Kenya. The three protocols of the ceasefire agreement outlines the status of the three dis-
puted states in central Sudan, the percentages of power that each party could exercise in the future, as well as the religious status of the capital Khartoum.

It was not until January 9, 2005 that a comprehensive peace agreement was signed. The Sudanese government and the Sudan People's Liberation Movement (SPLM) not only agreed on ending the conflict itself, but also on a power-sharing government between the national government and the southern provinces. They are to equally share much of the oil revenue and southerners are granted with some autonomy for an initial six-year transition period until they hold a referendum for independence.

2. The War in the Darfur Region

As the North and South conflict was coming to an end, the war in Darfur began in February 2003 as the Sudan Liberation Army (SLA) and then Justice and Equality Movement (JEM) forces attacked government military facilities in response to political marginalization and economic neglect during the North-South conflict. They called for a share in Sudan's natural resources and to have a voice in political decisions that concerned them. The Government forces and local militias responded by attacking villages throughout the Darfur region. Ever since the conflict began, according to the World Health Organization, the Government of Sudan has mounted a campaign of ethnic cleansing that has killed more than 70,000 civilians, caused millions to flee their homes, and wrought untold devastation. The Government is also alleged to be responsible for significantly arming and supporting the janjaweed militias who have engaged in killings, abductions, forced expulsions, systematic sexual violence, and deliberation destruction of crops, livestock and important cultural and religious sites.

TEXT 6

Systems of law

Each country in the world has its own system of law. However, it is generally true to say that there are two main traditions of the law in the world. One is based on English Common law, and has been adopted by many Commonwealth countries and most of the United States. The other tradition, sometimes known as Continental, or Roman law, has developed in most of continental Europe, Latin America and many countries in Asia and Africa which have been strongly influenced by Europe.

Common law, or case law systems, particularly that of England, differ from Continental law in having developed regularly throughout history, not as the result of government attempts to define or codify every legal relation. Customs and court rulings have been as important as statutes (government legisla-
tion). Judges do not merely apply the law, in some cases they make law, since their interpretations may become precedents for other courts to follow.

Common law is based on the doctrine of precedent. If the essential elements of a case are the same as those of the previous recorded cases, then the judge is bound to reach the same decision regarding guilt or innocence. If no precedent can be found, then the judge makes a decision based upon the existing legal principles, and his decision becomes a precedent for other courts to follow when a similar case arises. Sometimes governments make new laws-statutes-to modify or clarify the common law, or to make rules where none existed before. But even statutes often need to be interpreted by the courts in order to fit particular cases, and these interpretations become new precedents. In common law systems the law is, thus, found not only in government statutes, but also in the historical records of cases.

Another important feature of the common law tradition is equity. It recognizes rights that are not enforced by common law but are considered "equitable", or just. If an equitable principle brings a different result from a common law ruling on that case, then the general rule is that equity should prevail.

Continental systems are sometimes known as codified legal systems. They have resulted from attempts by governments to produce a set of codes to govern every legal aspect of a citizen's life. The lawmakers sometimes want to show that the legal rights of their citizens originated in the state, not in local customs, and thus it is the state that is to make law, not the courts. In order to separate the roles of the legislature and judiciary, it was necessary to make laws that were clear and comprehensive.

TEXT 7

Selection of a jury

The first step in the selection of the trial jury is the selection of a “jury panel”. When you are selected for a jury panel you will take an oath, by which you promise to answer all questions truthfully. After that the judge and the lawyers will question you and the other members of the panel to find out if you have any personal interest in the case, or any feelings that might make it hard for you to be impartial. This process of questioning is called Voir Dire, a phrase meaning “to speak the truth”.

During Voir Dire the lawyers may ask the judge to excuse you or another member of the panel from sitting on the jury for this particular case. This is called challenging a juror. There are two types of challenges. The first is called a challenge for cause, which means that the lawyer has a specific reason for thinking that the juror would not be able to be impartial. The second type of challenge is called a peremptory challenge, which means that the lawyer does not have to state a reason for asking that the juror be excused.
Those jurors who have not been challenged become the jury for the case. There may be six or twelve of them. The judge may also allow selection of one or more alternate jurors, who will serve if one of the jurors is unable to do so because of illness or some other reason.

Then the lawyers for each side will discuss their view of the case in their opening statements. After that the parties present evidence, which include the testimony of witnesses, physical exhibits, etc. Sometimes the judge orders testimony to be stricken off the record and it is not considered evidence. 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. If the objection was valid, the judge will sustain the objection. If the objection was not valid, the judge will overrule the objection.

In the closing arguments the lawyers summarize the case from their point of view. They may discuss the evidence or comment on the credibility of witnesses.

Then 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. 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.

TEXT 8

The Crown Court

The system of sending royal judges out into the country on “general gaol delivery” and the holding of assizes (sittings of the court) lasted many hundred of years. Until recently there were two different courts where defendants in criminal charges could be tried: the more serious charges were heard at the Assizes while the less grave were tried at Quarter Sessions (so called because the court sat at least once every quarter).

After very many years it became clear that the system had become outdated, for example, shifting populations had distorted the patterns of work and poor use was made of judges’ time and court buildings. The report of the Beeching Commission led to the Courts Act 1971, which came into force on 1 January 1972. This Act created a new criminal court of first-instance jurisdiction, the Crown Court, which is part of the Supreme Court and sits with a judge and jury. The composition of the Crown Court is also governed by the Supreme Court Act 1981 and by the Crown Court Rules made under the statute.

This court tries all serious criminal charges and sits throughout England and Wales. For administrative conveniences, the country is divided into six circuits: Northern, North Eastern, Midland and Oxford, South Eastern, Western, and Wales and Chester. Each circuit is under the supervision of a presiding
judge who is responsible for the smooth working of all courts in that circuit. The 
Crown Court sits at various towns and cities throughout each circuit, for exam-
ple, on the Western Circuit from Bristol and Exeter to Bournemouth and Win-
chester, and these are ranked in three tiers. The fist-tier courts, for example, 
those in Bristol and Winchester, hear the most serious charges, while a third-tier 
court, such as Bournemouth, hears minor charges. This distinction is further re-
lected in the judges who sit in those courts.

TEXT 9

Positive Prevention and Intervention Strategies for Child Abuse

The Right to happiness project started before the Stockholm World Con-
gress against Child Abuse. It was part of the process of preparation during 
which large gaps of our knowledge had been identified. These gaps were not just 
about the incidence, the numbers of children who were being abused, but also 
covered a lack of awareness about what was currently being done to try to ad-
dress the problem, and which of these were most effective.

The Right to Happiness project was implemented by the NGO Group for 
the Convention on the Rights of the Child. It was established to try to identify 
some of the responses that were happening around the world to try to address the 
problem of child abuse. The project wished to present information about what 
was happening to the World Congress, to inform about positive actions that were 
already being taken. The Congress wanted to raise awareness about this issue 
around the world. The Right to Happiness project sought to ensure that included 
in this awareness was some knowledge about interventions that were being ef-
fective about prevention and recovery.

As to the World Congress itself that took place in Stockholm in August 
1996. The Stockholm meeting was the direct result of an almost unique degree of 
cooperation between different groups and sectors. It combined and utilized the 
talents, strengths and resources of governments, notably the government of Swe-
den, intergovernmental bodies and the world-wide NGO community.

What did it do? It achieved a great deal. 122 governments were repre-
sented. Hundreds of NGOs, academic institutions and concerned individuals at-
tended and contributed. Many of the constituent parts of the UN family were re-
presented.

It involved policy makers, legislators, practitioners, and advocates, and 
most notably children who were able to demonstrate their understanding, compe-
tence and positive ideas for addressing the issue. It focused world attention on 
child abuse. It acknowledged it as an almost universal phenomenon. It com-
mented upon the scale of abuse.
A Declaration and Agenda for Action were unanimously agreed. The Declaration affirmed the commitment to global partnership against child abuse which was recognized as an absolute and fundamental violation of the rights of the child. It restated that all the signatories to the Convention were required to protect children from abuse and promote physical and psychological recovery of those already victimized. It affirmed the need for strong laws, and the need for resources and political commitment to enforce them. It confirmed the need to build and promote partnership between all levels of society to counter this form of violence. It called for the highest priority to be given to action against child abuse, to develop and implement comprehensive planning and programs that address the issue through a diverse but complementary range of strategies.

TEXT 10

Balkans after Milosevic: Still Perilous Waters

The removal of Slobodan Milosevic in Serbia has opened new opportunities for peace in the Balkan region, but also created a fluid situation where treacherous problems abound.

For some time, Western strategic thinking on the area has involved the notion that if Mr. Milosevic could be ousted, other problems would fall away. But for a variety of reasons including the depth of anti-Serbian feeling engendered by nine years of war and the record of Mr. Milosevic’s successor little soothing balm has immediately been felt.

Vojislav Kostunica, the new Yugoslav president, has made clear conciliatory signals toward Croatia, which has long battled Belgrade for independence, and Montenegro, where secessionist currents are strong. Yet his gestures have not convinced a skeptical region.

"There has been tremendous positive change in Serbia, but it has not had the immediate positive impact on the region that we would have hoped," said William D. Montgomery, the Budapest-based United States ambassador with responsibility for Yugoslavia.

A new era in the Balkans has opened Mr. Milosevic, who propelled Yugoslavia into war nine years ago, is gone; Franjo Tudjman, the Croatian president who fanned Mr. Milosevic's flames, is dead; Alija Izetbegovic, the outgunned and stubborn Bosnian president, quit last weekend. It is not surprising that expectations are high.

But it is not yet clear that Mr. Kostunica is able, or willing, to deliver what America wants. His past nationalism makes some neighbors skeptical, his popularity in the West makes other neighbors envious, and his arrival has come so late in the process of Yugoslav disintegration that it is far from clear that the process can be arrested.
“The tremors continue from what has been a very strong political shock, and there is some ambivalence in the region,” said Zarko Korac, an ally of Mr. Kostunica who visited Croatia last week. "Some people feel that Serbia will now get off the hook too quickly, and there is concern we will get the lion's share of money and attention."

There are, however, encouraging signs. Leaders from Bosnia, Croatia, Macedonia and other Balkan states are to meet Mr. Kostunica in Skopje, the Macedonian capital, next week, the first such gathering for many years and an indication of the hope engendered by the Yugoslav president.

But the meeting also illustrates a central point: the problems of the Balkans remain deeply interlinked. Change a border here in Montenegro or Kosovo, for example, and Bosnia's Serbs may feel justified in demanding union with Serbia or a state of their own. Support Serbia with a lifting of sanctions and Croatia may feel slighted or enraged.

The question now is how sensitive Mr. Kostunica will be to this regional volatility. Up to now, the signals have been mixed.

"We would have liked to hear Mr. Kostunica address the Serbs of Bosnia and tell them that while they will always have a special relationship with Belgrade, their future lies unambiguously in Bosnia-Herzegovina," said Jacques Klein, the American who is the chief United Nations representative in Sarajevo. "But it has not happened."

Rather, Mr. Kostunica has said he respects the 1995 Dayton accords while setting the Bosnian government's nerves on edge by indicating that he may travel this weekend to the Serbian part of Bosnia to attend the emotional reburial of a poet, Jovan Ducic.

TEXT 11

**Physician Violence - Who Is Involved?**

Liederbach, et al, appear to define physician violence as violent crimes committed by physicians in the course of medical practice. However, perhaps the group should be expanded beyond physicians to include most health care practitioners. For example, the National Practitioner Data Bank receives reports of judgments, complaints, and actions taken from state medical boards, DEA, FDA, and various federal medical organizations such as the Veterans Administration and the Bureau of Indian Affairs. This data bank lists twenty seven categories of health care practitioners for which it records data. Of the approximately 192,000 reports filed in 2002, 133,000 were for physicians - the next largest groups were dentists, chiropractors, and nurses. However, the data bank also includes such diverse categories as acupuncturists and social workers.

To be complete, a definition of physician violence should be expanded to cover health care professionals and include at least those professional categories...
listed in Table 1 of the National Practitioner Data Bank. It may be useful to relabel physician violence and call it violent medical crime. After all, dentists and nurses have been convicted of crimes committed in the course of medical practice or in a medical setting. And, it appears from the data that acupuncturists and social workers are also involved in medical care and generate reportable activity.

**Health Care Professional Malpractice versus Violent Medical Crime**

Malpractice is defined as:

An instance of negligence or incompetence on the part of a professional. To succeed, a malpractice claim must also prove proximate cause and damages.

Medical malpractice is defined as:

A doctor's failure to exercise the degree of care and skill that a physician or surgeon of the same medical specialty would use under the same circumstances.

Negligence is defined as:

The failure to exercise the standard of care that a reasonably prudent person would exercise in a similar situation; any conduct that falls below the legal standard established to protect others against unreasonable risk of harm, except for conduct that is intentionally, wantonly, or willfully disregardful of others' rights.

Gross negligence is defined as:

A conscious, voluntary act or omission in reckless disregard of a legal duty and of the consequences to another party.

Criminal negligence is defined as:

Gross negligence so extreme that it is punishable as a crime.

Criminal conduct can be said to be conduct proscribed by law. Such conduct includes many types of non-violent conduct such as billing and other financial frauds. However, violent criminal conduct by physicians is considered conduct that is harmful and meets the criteria, the corpus delicti, of criminal statutes as applied to the medical arena. The distinction, then, is largely when malpractice crosses the line to criminal conduct or when medical conduct is deliberately criminal.

Negligence and gross negligence can tip the balance between malpractice and criminal negligence or conduct.

Physicians and other medical practitioners are at risk if prosecutors are able to prove intent to harm, reckless endangerment or willful neglect. Medical mistakes, in and of themselves, are not crimes. However, prosecutors’ second-guessing of physicians is such that physicians may not know what actions are criminal or when medical mistakes become criminal until charges are filed.

Most medical misadventure is malpractice and is dealt with by civil action as a tort. Doctors carry malpractice insurance to guard against malpractice claims. However, doctors are being charged criminally for actions and decisions that have historically been considered medical error. And, it is not always easy
to tell the difference. Doctors have been criminally charged for over-prescribing medication and for under-prescribing medication.

**TEXT 12**

**Opening of International Commission of Inquiry**

International Action Center national co-coordinator Sara Flounders gave the following talk to open the International Commission of Inquiry on July 31 in New York.

We open this first session of the International Commission of Inquiry to Investigate US/NATO War Crimes Against Yugoslavia.

We welcome all the participants who have traveled so far at great personal expense. We welcome the diplomats and international guests who have joined us today for this first hearing of the International Commission to Investigate U.S./NATO War Crimes.

Today is the beginning of a historical process. This Inquiry is a challenge to power. It is a demand for an accounting from the most powerful military and economic forces in the world. It is the first step in a process that we are confident will resonate throughout the NATO countries and among all the peoples targeted by the New World Order.

Today we will charge the U.S. government, in particular President Clinton, Secretary of State Madeline Albright, Secretary of Defense William Cohen and NATO commanding generals, along with the governments of Britain, Germany and every NATO country who participated in the war with Crimes Against Peace, War Crimes, Crimes against Humanity.

This Inquiry will show that they are in explicit violation of the treaties to which they are signatories: the Principals of the Nuremberg Tribunal, the Hague Regulations and the Geneva Conventions. They have violated the United Nations Charter and even their own NATO treaty. The U.S. government in waging this 78-day military assault is also in violation of the U.S. Constitution. Other NATO members have violated the laws of their own countries.

This is lawlessness raised to a new and ominous level.

Will only the victors write the history of this war? Will there be an historical accounting that is independent of the great powers that made war? Will there be an accounting that is willing to hear the voices of the victims? Will there be an accounting that is not written by the Pentagon hacks who masquerade as journalists?

Today is the first step in a process to demand that NATO be held accountable for a war on the civilian population. The Geneva Convention of 1949 prohibits bombing not justified by a clear military necessity. If there is any likelihood that a target has a civilian function than bombing is prohibited. Today's testimony will show that NATO's targets were overwhelmingly civilian targets.
This was a conscious calculation. Three tanks were destroyed. Other reports say that seven tanks were hit. Yet over 300 schools and 33 hospitals were bombed. We present the lists of schools and of the hospitals to enter into evidence for the Commission of Inquiry.

The most damning evidence that this was a war on the civilian population is the simple fact that 30% of those killed were children. Some 30% to 40% of the wounded were children! Just to reiterate the Geneva Convention: "If there is any likelihood that a target has a civilian function than bombing is prohibited."

NATO must be held accountable for the use of prohibited weapons like the 35,000 cluster bombs and graphite bombs it used, and for use of depleted uranium weapons that have left hundreds of thousands of pounds of radioactive waste.

We will hear testimony, see videos and photos on the billions of dollars of infrastructure and property damage, and the destruction of the environment, a disaster due to the conscious, calculated bombing of chemical plants.

Today’s Hearing of Evidence will be repeated many times in the months ahead. The body of evidence will grow and so will the understanding of the war. There will be a series of public forums to uncover, expose and examine what has been hidden, suppressed and censured.

TEXT 13

Remarks by Secretary of State Lawrence S. Eagleburger upon Signing the Chemical Weapons Convention

Paris, France January 13, 1993

Mr. President, Mr. Secretary, esteemed colleagues:

It is fitting that we meet to sign this historic Chemical Weapons Convention in a city where, four years ago, the international community appealed for the strengthening of norms against chemical warfare I am pleased to be in Paris, and I am especially pleased to represent my President, George Bush, a man who over the course of the past decade launched some of the key initiatives which helped to make this agreement possible.

But such has been the amazing record of the past few years. We have seen the international community liberate itself from half a century of gridlock and paralysis and move beyond the rhetoric of democracy to achieve real democracy; move beyond the rhetoric of detente to achieve real peace; and move beyond the rhetoric of disarmament to achieve real reductions in weapons of mass destruction.

The Chemical Weapons Convention we sign today does more than simply reduce a class of arms or mitigate against their proliferation: this Convention mandates a world-wide, non-discriminatory ban on an entire class of weapons of
mass destruction - the only class of such weapons that has been widely used in combat. By the radical terms of this agreement, all signatory states foreswear the possession, production, stockpiling, transfer and indeed the use of chemical weapons; and all signatories must destroy all chemical weapons and chemical weapons production facilities in their possession. Moreover, the Convention's strict verification regime, which accommodates legitimate commercial and sovereign interests, sets an innovative standard for future multilateral agreements.

The international community is virtually united in support of the objectives of the Chemical Weapons Convention. However, there must be truly global adherence if the Convention is to achieve its purpose, and if doubts are to be eliminated over the commitment and intentions of those who fail to sign, ratify and fully comply with its terms.

Nowhere is this more important today than in the Middle East, a region which over the past 30 years has been home to more active chemical weapons programs – and which has seen more chemical weapons use – than any other part of the world. It is therefore particularly disappointing that so many Middle Eastern states are absent from this ceremony today.

The fact of the matter is that linking this Convention to other issues cannot affect the fate of those issues, but it will surely undermine the effect of this treaty in the one region most exposed to the danger of chemical weapons - namely, the Middle East. The point, I believe, is to tackle the challenge of weapons of mass destruction wherever we can and whenever we can. I would therefore urge the members of the Arab League to seize this opportunity and sign the Chemical Weapons Convention. Doing so would be a step forward, and not away from, making the Middle East a zone free of all weapons of mass destruction, as called for by President Mubarak of Egypt.

Today's ceremony is only the beginning of the work which lies ahead. Next month, the Preparatory Commission will meet in the Hague to work out the important and detailed provisions for implementing the Convention. The United States is fully committed to the success of those efforts, which will require the same broad support and participation which produced the successful Convention itself.

As I indicated at the beginning, the past few years have been a remarkably creative period of international achievement. Perhaps not coincidentally, I believe that President Bush's passage across the international scene has equally been one of tangible achievements, particularly in terms of the issue most important to the fate and future of the planet - the issue of weapons of mass destruction. George Bush's legacy will include landmark treaties as well as diplomatic efforts which paid non-proliferation dividends in Africa, South America, the Middle East and here in Paris today. But he knows, as all of us must know, that what we have accomplished to date will matter little unless we are prepared to confront the even greater proliferation dangers we most certainly will face in the years to come.
Inns of Court

Inns of Court in London, group of four institutions of considerable antiquity that have historically been responsible for legal education. Their respective governing bodies, the benches, exercise the exclusive right of admitting persons to practice by a formal call to the bar. They consist of the Inner Temple and Middle Temple (both housed within the area known as The Temple), Lincoln's Inn and Gray's Inn – all of which are located in the general vicinity of the Royal Courts of Justice, at the boundary between the City of London and Westminster.

The Inns of Court are voluntary societies, unchartered and unincorporated. Hence, their early history is obscure. Since their inception in the Middle Ages, however, they have been devoted to the technical study of English law, rather than Roman law, which was taught in the universities. Previously, law was learned in the course of service, the first rudiments possibly in private clerkship to some official. By the mid-13th century, when the common law had become extensive and intricate, there arose a class of men, literate but lay, who created and dominated the legal profession and set up the Inns of Court as an answer to the problem of legal education. Manuals and books were produced in French rather than Latin. The students listened to arguments in court and discussed law among themselves.

In addition to those who practiced in the courts, there was also a large demand for stewards and legal advisers to landowners to conduct general business and keep manorial courts. These men needed the rudiments but not the refinements of common law. Such, too, was the case with the large class of attorneys and a growing class of bookkeepers and correspondence clerks. They gained most of their knowledge through an Inn of Chancery, an institution for training in the framing of writs and other legal documents used in the courts of chancery.

In the 14th century many of the household clerks (clergy with at least minor orders) of the chancellor's office formed Inns and appear to have taken students for training. By the end of the century these Inns were in danger of being submerged by a flood of attorneys-to-be and students who used an Inn of Chancery as a preparation for entering an Inn of Court. Eventually, each Inn of Court secured control of one or more Inns of Chancery and supervised its affairs, appointed readers to teach in it, and later often bought its premises, becoming its landlord.

By the 15th century the Inns of Court were governed by their benchers, who had previously given at least two courses of lectures (readings) and who presided over mock arguments (moots) in which students argued difficult points of law before them.
Because the law was highly technical, proficiency could be acquired only by following the demanding studies of the Inns. In practice, the Inns thus had a monopoly over legal education. In the 15th and 16th centuries, however, many students joined the Inns for the purpose of getting a general education, rather than legal training. By the end of the 16th century the Inns of Court had begun to exclude attorneys and solicitors and refused to call them to the bar, with the result that attorneys especially fell back on the Inns of Chancery and finally came to form a profession distinct from that of the barristers.

By the beginning of the 17th century, all the Inns had acquired the actual ownership of their sites and begun building splendid halls, a process that continued through the century.

Various causes brought on the decline of this system of education. For one thing, the great activity of the printing press led students to rely more on printed material, and as a result they neglected attendance at readings and moots. The system broke down completely during the English Civil Wars; readings ceased in 1677, and only the fees survived. Having paid them, the student was deemed to have fulfilled his duties. With no readers to recommend students for call to the bar, the four Inns in the 18th century finally agreed to call students who had been in residence a stated number of terms. Later, it was settled that eating three dinners was equivalent to attending for the whole term. Meanwhile, the Inns of Chancery were no longer adequate for so large a group as the attorneys and solicitors, and these latter therefore created their own society.

In the 19th century the common law commissioners investigated the Inns of Court, which as a result took steps to resume their educational functions. Readerships were reestablished, and lawyers were engaged in teaching with a view to examinations conducted by the Bar Council of Legal Education, representing all four Inns.

In 1974 the Inns created an administrative body, the Senate of the Inns of Court and the Bar, which oversees such matters as finance, legal reform, and educational standards.

TEXT 15

WANTED

Crime: Armed Robbery
Location: South & South Park Streets
Date: November 13, 1999

The public's assistance is requested in identifying the person or persons responsible for an armed robbery on the southwest corner of the South St. and South Park St. intersection.

This crime occurred at 9:30 a.m. on November 13, 1999.
At about 9:30 a.m. the victim, a young visitor to the city, was walking south along South Park St. At the southwest corner of South Park St. and South St., the suspect jumped in front of the victim, pulled a knife from his jacket and said, "Give me your purse or you're stuck!" The victim handed it over and the suspect fled the scene of the crime.

The suspect is described as a white male, 20-25 years old, medium build, 5'2", moustache, blue eyes, short brown hair, pointed nose. He was wearing a red baseball cap with a Montreal Canadians logo, a dark blue jacket, green jeans and white sneakers.

This man is armed and therefore dangerous. If you can identify the man in the photofit picture, or have any information on this or any crime, contact the local Police Department or Crime Stoppers at 1-800-555-8477, and you may be eligible for a cash reward.
MURDER OF U.S. NATIONALS OUTSIDE THE UNITED STATES; CONSPIRACY TO MURDER U.S. NATIONALS OUTSIDE THE UNITED STATES; ATTACK ON A FEDERAL FACILITY RESULTING IN DEATH

USAMA BIN LADEN


DESCRIPTION

Date of Birth Used: 1957
Place of Birth: Saudi Arabia
Height: 6'4" to 6'6"
Weight: Approximately 160 pounds
Build: Thin
Language: Arabic (probably Pashtu)
Scars and Marks: None known
Remarks: Bin Laden is believed to be in Afghanistan. He is left-handed and walks with a cane.

CAUTION

Usama Bin Laden is wanted in connection with the August 7, 1998, bombings of the United States Embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya. These attacks killed over 200 people. In addition, Bin Laden is a suspect in other terrorist attacks throughout the world.

REWARD

The Rewards For Justice Program, United States Department of State, is offering a reward of up to $25 million for information leading directly to the apprehension or conviction of Usama Bin Laden. An additional $2 million is being offered through a program developed and funded by the Airline Pilots Association and the Air Transport Association.

SHOULD BE CONSIDERED ARMED AND DANGEROUS

IF YOU HAVE ANY INFORMATION CONCERNING THIS PERSON, PLEASE CONTACT YOUR LOCAL FBI OFFICE OR THE NEAREST AMERICAN
EMBASSY OR CONSULATE.

TEXT 17

James Walter TOMKINS
MURDER

On 2 May 2006 Rocky Dawson was fatally shot in the back as he secured his young children into his car outside an address in Romford.
One male has been convicted in connection with this offence.
Police also want to speak to James Tomkins about the murder. Tomkins, also known as Jimbles, was born on 19 April 1949.
A reward of £20,000 has been offered by the Metropolitan Police for information leading to his arrest.

Anyone with information is asked to contact the dedicated "Scotland Yard's Wanted" hotline number ...
Alternatively information can be provided anonymously to Crimestoppers on ...

TEXT 18

МИЛИЦИЯ РАЗЫСКИВАЕТ ПОДОЗРЕВАЕМУЮ В ТЕРРОРИЗМЕ

Железнодорожным РУВД Красноярска разыскивается N., которая подозревается в том, что передала по телефону заведомо ложное сообщение о готовящемся взрыве.
На вид ей 60 лет, рост - 160 см, худощавого телосложения, волосы волнистые, светло-русые с сединой. Тип лица европеийский, губы тонкие, цвет глаз зеленый.
Информацию можно сообщить по телефонам …, … или 02.

РАЗЫСКИВАЕТСЯ

N.

Обвиняется в организации и руководстве деятельностью хорошо за-конспирированной группы киллеров, в период с начала 90-х гг. до 2004 г. совершившей ряд заказных убийств, иных тяжких и особо тяжких престу-плений. Ряд убийств совершен группой с особой жестокостью, общественно опасным способом. В качестве орудий преступлений членами
группы использовался практически весь арсенал средств лишения человека жизни: самодельные взрывные устройства, огнестрельное оружие (пистолеты, автоматы, снайперские винтовки), холодное оружие.

Приметы: рост около 190 см, крупного телосложения, волосы светло-русые, носит короткую стрижку. В криминальной среде известен под кличкой «Финн». Владеет всеми видами огнестрельного и холодного оружия, приемами рукопашного боя. Как правило, носит при себе пистолет.

Ради наживы готов на все. При планировании преступлений им абсолютно игнорировалось то, что при этом могут пострадать посторонние лица. Жертвами группы N. становились, в том числе, случайные люди, волею случая оказавшиеся рядом с местом совершения преступления.

Среди окружения может представляться сотрудником правоохранительных органов, ветераном боевых действий, одновременно с этим может создавать у окружающих впечатление представителя криминального мира высокого уровня.

N. имеет при себе ряд документов, в т.ч. паспортов, удостоверений личности различных государственных структур на измененные биографические данные. При нахождении среди незнакомых людей может использовать грим.

В критической ситуации N. ведет себя неадекватно, чрезвычайно агрессивен, опасен для окружающих людей, способен на немотивированное убийство.

В связи с особой опасностью N., убедительная просьба к гражданам, располагающим любой информацией о его местонахождении ранее и в настоящее время, а также о лицах, оказывающих ему содействие в укрывательстве от правоохранительных органов, сообщить об этом по тел доверия ФСБ России …, либо на сайт электронной почты … или по тел. 02.

Информация принимается в любой форме, в т.ч. и анонимно. Конфиденциальность гарантируется.

ТЕКТ 19

Wide World of Payola

There could be a silver lining in the storm clouds over Salt Lake City. The spotlight on the Winter Olympics bribery scandal could quicken what has been a slow pace of international consensus that bribes and business are a bad mix.

The scandal began to unfold in February just as a long-awaited international convention against bribery went into effect. Next on the agenda is enactment of laws in various countries to implement anti-corruption measures to comply with it.
More than 10 years ago this country led the negotiations to create the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Before the Olympics' luster began its downhill slide, some expected it could take another 10 for all the signatories to enact such laws.

What the convention does, simply, is criminalize bribery in business transactions. That sounds odd here but not in the bigger world, where many countries permit tax deductions for money that greases palms.

Convention backers – the 29 industrialized nations comprising the Organization for Economic Cooperation and Development – call it a tremendous step in recognizing a problem affecting more than $30 billion yearly in international contracts. Awareness could grow even more due to the taint on sports competition and the expected depth and ramifications of investigations into it.

Justice Department Takes Notice

While the International Olympic Committee is investigating the Salt Lake City payoffs for its own housecleaning, the U.S. Justice Department is taking a look, too. Whether the federal Foreign Corrupt Practices Act, on which the convention is modeled, might be used to bring criminal charges is a gray area at the early stages of investigations. The federal act concerns bribery of public officials, and the Olympic committee is private.

However, “Some of the ingredients in this scandal appear to be FCPA violations”, says Stanley Marcuss, who was a Senate Banking Committee staffer involved in crafting the legislation enacted in 1977. Marcuss, a partner in the Washington office of Bryan Cave, is director of the big-business Coalition for Fair International Business Practices.

The federal law came on the heels of U.S. business involvement in scandals in Japan and Europe.

If criminal charges were to be filed against some of those involved in bringing the 2002 Winter Olympic Games to Salt Lake City, says Marcuss, “That would do an awful lot to get people to sit up and take notice that the FCPA can have pretty wide ramifications-especially now with the bribery convention and other countries preparing to enact their own Versions of the law”.

The corrupt practices act had amounted to unilateral disarmament for U.S. businesses competing in not-always-ethical world trade. Now it might provide guidance to other countries as they deal with the Olympics scandal and craft their own anti-corruption laws to comply with the convention.

It was the lopsided effect the act had on American businesses that prompted U.S. officials to push for the convention.

“The convention is a tremendous breakthrough,” says Fritz Heimann, who wears several hats. He is a special counsel to the general counsel of General Electric Co., and a member of an advisory committee to an Organization for Economic Cooperation and Development working group that will monitor various nations' legislative efforts to ensure they comport with the convention.
He also is chair of the U.S. chapter of Transparency International, a private organization working in more than 70 countries to increase government accountability and curb international and national corruption.

The Olympics scandal, he says, highlights one of the key issues in combating bribery. “I find it incredible that some committee members use the ancient argument that there are cultural differences concerning bribery”, Heimann says. “Bribing senior officials is a crime wherever it occurs, and that it's always done in secret makes the cultural argument nonsense”.

**TEXT 20**

**Going Gangbusters**

Three years ago, California prosecutors came up with a new tack to fight youth violence: Obtain injunctions barring gang activities.

One civil injunction was issued against 138 alleged members of two San Jose street gangs. It prohibited conduct generally associated with gang activity such as drinking, vandalism, possessing weapons, using drugs, using gang hand signs, appearing with known gang members, applying graffiti and using beepers in public.

Los Angeles County deputy district attorneys obtained civil injunctions against gang members in six other cities, including Los Angeles. The orders often imposed a curfew and, in an effort to stop drug sales near apartment buildings, forbade trespassing on private property. A Pasadena injunction went further, prohibiting gang members from carrying pagers, cellular telephones or walkie-talkies.

**Constitutional Questions**

While prosecutors say their tactics are a good way to fight gangs, some courts and critics have voiced concerns about the constitutionality of such measures.

The California Supreme Court will soon add its voice to the debate, as it considers the San Jose injunction in *People v. Acuna*, No. HO11802.

In a decision last year, a California appellate court struck down part of the injunction, upholding only the bar on criminal acts. The remaining prohibitions were held to be overbroad, vague and an infringement on free speech.

San Jose City Attorney Joan R. Gallo says her office is awaiting the latest ruling before applying for more gang injunctions. Currently, the city has two that are outstanding, including the one being considered by the state supreme court.

Chicago's legal department also has reviewed the civil injunction tool but is waiting until the Illinois Supreme Court hears an appeal of a decision striking

An Illinois appeals court held the measure infringed on freedoms of association, assembly and expression; criminalized the status of being a gang member; and permitted police officers to avoid probable cause requirements.

Some prosecutors have been unsuccessful at the trial level as well. In a Los Angeles County case, a judge issued a temporary restraining order aimed at gangs in Westminster, but refused to grant a preliminary injunction.

The setbacks have not dampened the enthusiasm of prosecutors for the injunctions, which are enforced with the contempt remedy.

“The San Jose injunction had an immediate effect, sending gang members packing from a foursquare-block area that they had taken over,” says Gallo.

And in an interview, Los Angeles District Attorney Gil Garcetti proclaimed his community-based gang-fighting program “a phenomenal success.” He says it is his belief that the injunctions his deputies have obtained will pass constitutional muster because they are more specific than the San Jose order.

His office has since applied for injunctions in two other cities, one of which is Inglewood, home of the Los Angeles Lakers.

Deanne Castorena, the Los Angeles deputy district attorney who obtained the county's first injunction in Norwalk two years ago, says many community members support the program and have come forward with affidavits.

The Los Angeles County effort is part of a larger program being called Strategy Against Gang Environments. Part of that strategy involves sending gang prosecutors from the district attorney's office to cities where they set up an office. Once they arrive, they begin working with police, notifying them of gang members' parole and probation restrictions. These can include the waiver of Fourth Amendment requirements, permitting them to be searched without cause.

Not everyone is as enthusiastic about using civil injunctions to control gang activity. Houston City Attorney Gene Locke says he declined to use the strategy, and instead opted for the “more traditional legal measures” such as prosecuting gang members individually for violating nuisance laws.

Locke says his office was concerned about possible liability for civil liberties violations, the overall effectiveness of injunctions, and the cost of such a program.

Others say the injunctions could result in broad sweeps of ethnic and low-income neighborhoods. “Innocent kids [will] get arrested because they look like gang members,” says one government attorney who refused to be identified.
Crazy Talk

Can killers be cunning and methodical, yet so mentally ill they aren't fully responsible for their crimes?

Psychologists say yes, but jurors overwhelmingly say no. And that may bode poorly for Unabomber suspect Ted Kaczynski, who is standing trial for four of the 16 mail bombings attributed to the Unabomber over 17 years.

Jurors tend to think of an insane person “as someone who's living on Mars and wouldn't begin to know how to put a bomb together,” says Scott Sundby, a law professor at Washington & Lee University in Lexington, Va. Sundby has interviewed 152 capital-case jurors in California for a death penalty research project.

Kaczynski's defense attorneys, Quin Denvir and Judy Clarke, may be asking jurors to challenge that traditional view. They gave notice in June that they will present expert testimony about Kaczynski's mental condition during his trial for the murder of two people, which was set to begin in November in U.S. District Court in Sacramento.

In theory, mental illness evidence could form the basis of an insanity defense or – if Kaczynski is convicted of murder – provide a mitigating circumstance to persuade jurors to spare his life.

But Sundby and other experts say it is extremely hard to sway jurors with mental illness evidence, even in what is considered an ideal case. And Kaczynski's case is far from ideal.

Prosecutors say FBI agents who searched the Montana cabin of the mathematics professor-turned-recluse found an assembled bomb, a Unabomber manuscript and a journal discussing the bombings.

The federal insanity defense has been regarded as a tactic of last resort since 1984 when the Insanity Defense Reform Act was passed by Congress.

The law compels defendants to prove by clear and convincing evidence that a “severe mental disease or defect” left them unable to “appreciate ... the wrongfulness” of their actions. The previous test required prosecutors to prove sanity.

Only 1 percent of defendants plead insanity, according to the American Academy of Psychiatry and the Law. It published a study of about 9,000 cases in 49 counties between 1976 and 1987. About 26 percent of those defendants were acquitted, mostly in cases where prosecutors agreed to the plea. Only 7 percent of acquittals came from jury trials, the study found.

Planning Does Not Equal Sanity
In theory, a criminal's intricate planning shouldn't rule out an insanity defense, says clinical psychologist William Carroll, a former defense lawyer who teaches at John Marshall Law School in Chicago.

“A person can be extremely intelligent and also crazy as hell”, Carrol says. “That's hard for a jury to understand.”

Chris Slobogin, a law and psychiatry professor at the University of Florida, agrees. In the Unabomber case, however, “The planning didn't just span a day or two, or a week. It spanned a multi-year period. It would be very difficult to argue that all of this behavior was caused by psychosis.”

The Unabomber's seemingly political agenda also spells trouble for the defense. Mental illness can fuel political beliefs, but jurors who read the Unabomber manifesto will likely conclude that “while eccentric and perhaps dangerous, he is nonetheless rational,” Slobogin says.

Jurors reached that conclusion last year in the trial of John Salvi III, an anti-abortion extremist who killed two workers at a Boston clinic.

Salvi's lawyers described him as a severely ill man who believed he was battling an anti-Catholic conspiracy launched by the Mafia, the Freemasons and the Ku Klux Klan. A jury found him sane, however. He later killed himself in prison.

Jurors also distrust mental illness testimony at sentencing, Sundby says. But it can be more effective there because the legal standards are easier to meet.

At sentencing, jurors need only ask whether mental illness distorted the defendant's perceptions enough that he or she does not deserve to die, Sundby says. “It's more of a compassion issue.”

TEXT 22

Spatial Analysis of Crime Using GIS-Based Data: Weighted Spatial Adaptive Filtering and Chaotic Cellular Forecasting with Applications to Street Level Drug Markets

Abstract

With the recent emphasis towards proactive Community Oriented Policing and the increase in the use of computerized information systems for data collection police departments are faced with two major problems: (1) how to mine the vast amounts of data produced by these systems, and (2) how to use this data to provide information that supports proactive law enforcement.

This dissertation makes a contribution in this area by providing the model specification and framework for such tools, a GIS-based data collection system, and a new spatio-temporal forecasting method – chaotic cellular forecasting (CCF) – for use by an early warning system for emerging drug markets.
1. Introduction

As police organizations automate their operations and implement more modern computer systems, taking advantage of advances in information technology such as open architecture database systems, enterprise wide computer applications and ever increasing microprocessor and network speeds, more and more information will become available to police officers at the click of a mouse button. Moreover, all of this information will be linked together from various sources and organized in ways which were previously unheard of. Police investigators will likely find this wealth of information a boon to their work, but crime analysts and police administrators may well find themselves faced with information overload.

At the same time that police departments are making increasing use of computer technology they are also undergoing a change in law enforcement philosophy. Evidence of this change can be seen in the fact that many police departments are implementing Community Oriented Policing (C.O.P.) in an effort to emphasize proactive rather than reactive law enforcement. While the concept of Community Oriented Policing is certainly not new (for a review of early C.O.P. initiatives see Trojanowicz, 1986) the way in which information is utilized in Community Oriented Policing has changed over the years. In many cities desktop personal computers have replaced the daily log for foot patrol officers and in some cities the time honored tradition of a notebook and pencil has given way to hand held, pen based mobile computers.

An abundance of tools and methodologies have been developed that support traditional reactive law enforcement. Practical examples include investigative tools such as linkage analysis, geographic offender profiling and modus operandi systems. Geographic information systems have also played a large role, both from a practical and a research perspective. Research examples include measuring the geographic displacement of drug offenders (Green, 1993), monitoring the effects of law enforcement strategies on nuisance bar activity (Cohen et al., 1993) and point pattern analysis of crime locations (Canter, 1993). Other examples of more general purpose crime mapping systems for law enforcement include the Drug Market Analysis Program (DMAP) effort undertaken in Jersey City, Hartford, San Diego, Pittsburgh and Kansas City (McEwen and Taxman, 1994; Maltz, 1993) and PA-LEGIS (Pennsylvania Law Enforcement Geographic Information System), an integrated GIS and police records management system developed for smaller police departments (Bookser, 1991).

There is no doubt that tools for reactive policing will always play an important role in law enforcement. However, proactive law enforcement will require an entirely new set of tools, the development of which has only just begun. Proactive problem solving by detectives, community oriented police officers and police officials not only requires access to up-to-date information on criminal activity, but perhaps more importantly the ability to anticipate emerging crime trends. This in turn requires the ability to mine the vast amounts of data pro-
duced on a daily basis by 911 and police record management systems, police hot
line tips and citizen complaints for signs of impending flare-ups, geographic
displacement or other unusual criminal activity. In other words, proactive law
enforcement needs tools that can anticipate or provide early warning of criminal
patterns so that they may be prevented.

This dissertation makes a contribution in this area by providing the model
specification and framework, a GIS-based data collection system, and a new
spatio-temporal forecasting method – chaotic cellular forecasting (CCF) – for
use by an early warning system for emerging drug markets.

The second chapter focuses on the development of a geographic informa-
tion system that provides the underlying data for the dissertation. This practical
application of GIS to narcotics enforcement arose out of the Drug Market
Analysis Program (DMAP) funded by the National Institute of Justice (NIJ). A
by-product of the DMAP program was a very accurate data set consisting of
point (i.e., address) level data on illicit drug market activity and related crimes.

Chapter 3 is a study employing multiple regression techniques to analyze
the effects of both traditional and ecological variables on illicit drug markets.
The study was in part made possible due to the fact that DMAP includes high
quality location data on ecological variables such as land use and the built envi-
ronment.

Chapter 4 is an empirical study introducing weighted spatial adaptive fil-
tering which provides evidence that spatial interaction, local context and spa-
tially varying model parameters are important indicators of street level drug
dealing.

The fifth chapter introduces chaotic cellular forecasting. CCF employs
the findings of the previous chapters and combines chaos theory, artificial neural
networks (ANN's) and grid cell aggregated GIS-based data to produce one-step-
ahead forecasts of street level drug market activity. One of the underlying as-
sumptions of CCF is that spatio-temporal patterns of criminal activity can be
modeled as a chaotic system. Artificial neural networks, more specifically feed-
forward networks with backpropagation, are then used to estimate the forecast-
ing model. Backpropagation models are uniquely qualified for this purpose be-
cause they are self adapting and are universal approximators (Hornik et al.,
1989). Two versions of CCF, one using spatially constant weights (analogous to
spatial regression using spatially constant parameters) and the other a hybrid
model of spatially varying input to hidden unit weights and constant hidden to
output units weights are tested. The results are compared to both a simple and a
state-of-the art spatial regression model using spatially lagged variables and
tested for forecast accuracy on a holdout data sample.

The sixth and final chapter provides a summary and outlines future work.
Estate in English law

In 1925, several laws were passed in England in an attempt to simplify the system of holding and transferring land. These laws recognized two estates in land. An estate is a right to possess land for a defined period of time, and the two estates recognized are (i) "fee simple absolute in possession" and (ii) "term of years absolute." The first means that the landholder owns the land throughout his life unless he sells or gives it to someone else. Eventually, this land will pass to his heirs (people entitled to the property of someone after he dies: see previous chapter). The second is a right to hold land for a certain fixed period, after which the land returns to the holder of the estate "absolute in possession."

We often call the first estate a freehold and the second a leasehold, or lease. All land is ultimately held by a freeholder, but sometimes it is the freeholder who is using the land, and sometimes it is a leaseholder. In England a majority of people living in houses own the freehold, but people living in apartments usually own a lease. When they buy an apartment they will want to buy as long a lease as possible from the freeholder – for example, 99 years. Often the leaseholder (or lessee) has the right to sell his lease to someone else, but of course he can only sell the right to use the land for the number of years remaining on the lease. Until the lease ends, he has the right to possess the land exclusively: even the freeholder has no right to enter the land without the leaseholder's permission. However, the contract he signed with the freeholder will require him to fulfill certain obligations, such as paying rent (ground rent) and keeping buildings in a good condition. The obligations, or covenants, which the leaseholder and freeholder owe to each other can be very complicated. For example, they must decide who is to pay if expensive repairs need to be done. Even a 99 year lease could be ended (forfeited) if the lessee breaks an important agreement such as rent payment.

It seems likely that the leasehold system for owning an apartment will be changed in the near future. In other countries which inherited the English system of law, apartment owners usually hold a commonhold—a share in the freehold of the land on which the whole apartment building stands. This system is similar to the way apartments are owned in continental-law countries and enables an owner to sell his apartment without the worry that his lease is too short.

Legal interests

As well as these two estates, or ways of holding your land, English law since 1925 has recognized four legal interests over land held by someone else. The first is an easement, such as a neighbor's right to use a footpath over your land, or your right not to have buildings or trees on your land block light to his
windows. The second is a **rent-charge** – someone's right to charge a landholder a periodical sum of money. The third is a **legal mortgage** – an interest in property given as a form of security to someone who has lent the landholder money. If the money is repaid the interest ends. However, if the landholder fails to pay his debt by a certain time, the money-lender, or **mortgagee**, may have the right to take the property from the borrower, or **mortgagor**. Mortgages are very important in land law because when most people buy an initial house or apartment they have to borrow a lot of money from a mortgagee such as a bank or a building society. The last legal interest is a **right of entry**. The right of a freeholder to enter a lessee's property if he fails to pay rent is an example of a right of **entry**.

**Land transfer**

Someone who buys land needs to know exactly what rights and obligations are attached to the land. Although it is possible to deal directly with the seller, most people employ a solicitor to handle the complicated business of land transfer, known as **conveyancing**. In fact, even after the simplifications of 1925, which reduced the system to two kinds of legal estate and four kinds of legal interest, there still exist many kinds of "equitable" interest (see previous chapter) which the buyer and seller need to know about. For example, even if the freehold you want to buy is registered in the name of only one person, you should make sure the spouse of the freeholder does not have the right to continue living in the property after it has been sold!

When investigating the rights attached to land, solicitors used to examine **title deeds** — documents recording transfers of the property over many years. In Britain there is now a land registry which makes investigation of title easier because it is a central register describing the land, the landholder, and third party rights. However, not all land in Britain has yet been recorded on the register, and there are some land rights which need not be recorded there. Even if land has been registered, the solicitor still has many things to check, such as possible plans of the local council to build noisy roads near the house. Any mistakes he makes could cost the buyer a lot of money. Conveyancing is one of the areas in which solicitors sometimes get sued by clients.

**Short-term possession**

Another important area of land law concerns types of possession for shorter and less secure terms than freeholds and leases – for example, where a person living in property pays money to a **landlord** every week in return for permission to live there. The landlord is usually the freeholder or the leaseholder of the property, but sometimes he himself is paying rent to someone else. Sometimes it is not easy to decide whether a tenancy is a lease or only a **license**. Generally, a licensee does not have as much security as a lessee. For example, if he
fails to pay the rent, his landlord may be able to repossess the property more easily and more quickly than a freeholder can get his land back from a leaseholder. However, many legal systems have laws to protect such land-users. In Britain, for example, the Landlord and Tenant Act requires landlords to give certain periods of warning to tenants if they want to repossess their property, and it provides means for tenants to negotiate a reasonable period of time in which to pay rent arrears (over due rent). Under the 1988 Housing Act, there are Rent Tribunals which sometimes have the power to reduce rents which they consider too high. There are also special laws concerning tenants who rent land in order to run a business. Usually, however, there is greater protection for someone who rents land to live on.

TEXT 24

"Miranda" Rights and the Fifth Amendment

What are the "Miranda" Rights?
In 1966, the U.S. Supreme Court decided the historic case of Miranda v. Arizona, declaring that whenever a person is taken into police custody, before being questioned he or she must be told of the Fifth Amendment right not to make any self-incriminating statements. As a result of Miranda, anyone in police custody must be told four things before being questioned:
1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to an attorney.
4. If you cannot afford an attorney, one will be appointed for you.

What if the Police Fail to Advise Me of My Miranda Rights?
When police officers question a suspect in custody without first giving the Miranda warning, any statement or confession made is presumed to be involuntary, and cannot be used against the suspect in any criminal case. Any evidence discovered as a result of that statement or confession will likely also be thrown out of the case.

For example, suppose Dan is arrested and, without being read his Miranda rights, is questioned by police officers about a bank robbery. Unaware that he has the right to remain silent, Dan confesses to committing the robbery and tells the police that the money is buried in his backyard. Acting on this information, the police dig up the money. When Dan's attorney challenges the confession in court, the judge will likely find it unlawful. This means that, not only will the confession be thrown out of the case against Dan, but so will the money itself, because it was discovered solely as a result of the unlawful confession.

"Search and Seizure" and the Fourth Amendment
The Fourth Amendment to the U.S. Constitution protects personal privacy, and every citizen's right to be free from unreasonable government intrusion into their persons, homes, businesses, and property, whether through police stops of citizens on the street, arrests, or searches of homes and businesses. Lawmakers and the courts have put in place legal safeguards to ensure that law enforcement officers interfere with individuals' Fourth Amendment rights only under limited circumstances, and through specific methods.

**What Does the Fourth Amendment Protect?**
In the criminal law realm, Fourth Amendment "search and seizure" protections extend to:

- A law enforcement officer's physical apprehension or "seizure" of a person, by way of a stop or arrest; and
- Police searches of places and items in which an individual has a legitimate expectation of privacy — his or her person, clothing, purse, luggage, vehicle, house, apartment, hotel room, and place of business, to name a few examples.

The Fourth Amendment provides safeguards to individuals during searches and detentions, and prevents unlawfully seized items from being used as evidence in criminal cases. The degree of protection available in a particular case depends on the nature of the detention or arrest, the characteristics of the place searched, and the circumstances under which the search takes place.

**When Does the Fourth Amendment Apply?**
The legal standards derived from the Fourth Amendment provide constitutional protection to individuals in the following situations, among others:

- An individual is stopped for police questioning while walking down the street.
- An individual is pulled over for a minor traffic infraction, and the police officer searches the vehicle's trunk.
- An individual is arrested.
- Police officers enter an individual's house to place him or her under arrest.
- Police officers enter an individual's apartment to search for evidence of crime.
- Police officers enter a corporation's place of business to search for evidence of crime.
- Police officers confiscate an individual's vehicle or personal property and place it under police control.
Congress – What Is It?

The United States Congress differs from a parliament chiefly in the fact that it does not contain the executive. The President and his Cabinet are not members of the House, as the Prime Minister and his Cabinet are in England. The Congress cannot peremptorily ask a question of the President except in an impeachment proceeding; and if it refuses to pass an Administration bill, there is no "crisis". The President in that case does not resign; nor does he dissolve Congress and force a new election.

In the United States Government, the people are represented in one way by the Congress and in another by the President. Each has the right and the means to appeal directly to the people for support against the other, and they do. The effect is that the struggle between the Executive and Congress varies between open hostilities and armed truce, even when the President's party is in control of Congress. Another situation, that cannot occur in a parliament, arises when the people choose a President of one party and a Congress of another, putting the executive and the legislative branches automatically in opposition to each other.

The United States Congress is therefore more irresponsible than a parliament, for the member of the President's party can vote against an Administration proposal without voting to have the President resign. This lack of responsibility encourages demagogues in Congress to play for headlines, since the party in power does not feel that strict discipline is a matter of life and death.

One effect of the separation of powers is that the Senate is as important a body as the House. In other countries there is a tendency for the lower house, since it controls the executive, to assume all the power, letting the upper house live on as a debating society of elder statesmen.

The tradition of a two-chambered legislature is deeply rooted in American political life. The colonial governments had two chambers and so do all the States except Nebraska. But the principal reason that no one can conceive of any movement toward a one-chamber Congress is that the United States is still a Federal Union of large and small States.

The fact that all bills have to pass two different bodies does not cause delay in emergencies when the people are united in favor of following the President's leadership. But on ordinary matters in ordinary times, legislation is slow, hearings are duplicated, and an opposition has advantages over the proposition.

The Senate and the House of Representatives differ in their composition and attitude, even though the Constitution has been amended to shift the election of senators from the State legislatures to the plain voters. The senators average a few years older than the congressmen. Congressmen often move up into the Senate, but few ex-senators have ever run for the House. The senators are more
distinguished by their office because there are only 100 of them while there are 435 congressmen. A seat in the Senate has a high publicity value which can be used for good or ill purposes.

How to write a will

Full legal name:
*Do not use any nicknames or abbreviations. The name must be your legal name, not your social name.*

Social Security Number:
*Although not mandatory, a social security number will help to positively identify the document as your Last Will and Testament.*

City where you reside:

State where you reside:

Marital Status:

Spouse Name:
*Enter your spouse's full legal name. Do not use nicknames or your spouse's social name. For example, use "Mary B. Doe" not "Mrs. John Doe".*

Do you have any children?

Do you want to give specific items of your property or specific amounts of cash to any individual or organization?
*You may give specific gifts, also called "specific bequests," of personal property, real property, and specific amounts of cash to people or organizations.*

How many persons or organizations do you want to receive your residuary estate?
*Your residuary estate is all the property left in your estate after you've made any specific gifts. You must name a residuary beneficiary for your estate.*

Name of the person or organization you want to receive the residuary estate:
*It is helpful to precede the name of a residuary beneficiary with a brief description of your relationship. [Example: my friend, Jack Smith]*
How many alternate beneficiaries would you like to specify?
Your alternate choice will receive this portion of your residuary estate only if your named residuary beneficiary choice fails to survive you by 30 days.

Name of the person or organization you want to designate as an alternate to receive your residuary estate should the residuary beneficiary fail to survive you by 30 days.
Please use the full legal name. If you're naming an organization, be as specific as possible in naming it. [Example: the Halstead Street Shelter in Hometown, Ohio]

Who will be the Executor of your estate?
Please use the full legal name of your choice. This person will be responsible for carrying out the terms of your Will. Do not use social names, nicknames or abbreviations. [Example: Barbara Cantwell]

Do you want your Executor to be bonded?
The purpose of bonding your Executor is to protect the value of assets in your estate from the Executor's gross negligence or willful misconduct in handling your estate.
Keep in mind that the cost obtaining a bond is an expense of your estate, and in effect reduces the amount you leave your Beneficiaries.

If this person cannot serve as Executor, who do you want to name as an alternate?
If your first choice as Executor cannot serve for any reason, you should name an alternate choice.

How do you want to pay unsecured debts and expenses owed by your estate?
You can leave instructions for your Executor regarding the payment of debts you owe when you die.

Do you want to forgive any debts that are owed to you?
You cannot forgive a debt if it is jointly owed to you and another person.

How do you want estate or inheritance taxes paid?
In some, but not all states, estates with a total value of less than $600,000 are exempt from federal and state taxes.

Do you want to leave any instructions about your funeral, burial or cremation in your Last Will and Testament?
Do you want to disinherit anyone who contests your Will?
You can choose to disinherit anyone who challenges any of your Will's provisions.

SAMPLE WILL

LAST WILL AND TESTAMENT OF [LEGAL NAME]
I, [LEGAL NAME], of [CITY], [STATE], being of sound mind and under no restraint, hereby publish and declare this instrument to be my Last Will and Testament, revoking all previous Wills and Codicils I have made. I am married to [SPOUSE NAME]. I have no children.

ITEM I
I give the entire residue of my estate, whether real, personal or mixed, to [RESIDUARY NAMES]. If [RESIDUARY NAMES] fails to survive me, then I give the entire residue of my estate to [SINGLE ALTERNATE].

ITEM II
I nominate and appoint [EXECUTOR] as Executor of this, my Last Will and Testament, to serve without bond. If the above-named Executor is unable or unwilling to serve, or otherwise fails to complete the administration of my estate, I nominate and appoint [ALTERNATE EXECUTOR] instead. Said Executor shall serve without bond.

ITEM III
I direct my Executor to pay all of my legally enforceable debts, the expenses of my funeral and burial or cremation, and the expenses of the administration of my estate in the manner prescribed by state law.

ITEM IV
In addition to the powers conferred on my Executor by law, I authorize my Executor to do all acts which my Executor deems necessary or appropriate in order to achieve the purposes of this, my Last Will and Testament, including the power to sell or dispose of property and distribute the proceeds of such sale or disposal as part of my estate; to retain property without liability for any depreciation or loss which may result; to settle, compromise, or abandon any claim either for or against my estate; to vote stock or exercise any of the rights of ownership of any stocks or bonds which form a part of this estate; to continue or participate in the operations of any business which forms a part of this estate, all as fully as I could do if living.

ITEM V
I authorize my Executor to utilize the services of an attorney, accountant and any other professional as may be necessary or desirable in the administration of this, my Last Will and Testament. The expenses incurred by my Executor using
such professional services shall be an expense to my estate and shall be paid by
my estate.

ITEM VI
I direct my Executor to pay out of the assets of my residuary estate, all inheri-
tance, transfer, estate and similar taxes (including interest and penalties) on any
property or interest in property included in my estate for the purpose of comput-
ing taxes. My Executor shall not require any beneficiary under this Will to reim-
burse my estate for taxes paid on property passing under the terms of this Will.

ITEM VII
My Executor named herein shall be entitled to reasonable compensation com-
mensurate with the services actually performed and to reimbursement for ex-
penses properly incurred.

ITEM VIII
It is not my intention to make provision in this, my Last Will and Testament, for
any relative or any other person not expressly provided for herein, except for
children born to or legally adopted by me after the date of this instrument, and if
any such person has not been expressly mentioned herein, he or she has been
omitted by me intentionally and with full knowledge of his or her relationship
and existence, and not by any oversight or neglect.

ITEM IX
If, subsequent to the execution of this, my Last Will and Testament, there shall
be any child or children born to or legally adopted by me, such child or children
shall share in the benefits of my estate to the same extent as he or she would
have shared had I died without a Will, and the provisions of this Will shall be
modified to the extent necessary to see that this is done.

ITEM X
Where appropriate to the context, pronouns or other terms expressed in one
number or gender shall be deemed to include the other number or gender, as the
case may be.

ITEM XI
Any person or organization named or referred to herein shall be deemed to have
survived me only if such person or organization shall in fact survive me for a pe-
riod of at least thirty (30) days. Any person or organization named or referred to
herein who shall not survive me for a period of at least thirty (30) days shall be
deemed to have died before I do.

IN WITNESS WHEREOF, I have signed my name, declaring and publishing
this instrument as my Last Will and Testament, in the presence of the under-
signed Witnesses on this ___ day of _______, 19__.

[LEGAL NAME]

ATTESTATION
We hereby certify that this Last Will and Testament was signed, declared and published by [LEGAL NAME] as his Last Will and Testament on this day, in our presence and in the presence of each other, and we sign our names below as Witnesses in his presence, at his request and in the presence of each other on this ______ day of ____________, 19__. 

__________________ Resides at ________________________

[ Witness 1 Signature ]

_________________; City, State, Zip ________________________

[ Witness 1 Name (Printed) ]

__________________ Resides at ________________________

[ Witness 2 Signature ]

_________________; City, State, Zip ________________________

[ Witness 2 Name (Printed) ]

__________________ Resides at ________________________

[ Witness 3 Signature ]

_________________; City, State, Zip ________________________

[ Witness 3 Name (Printed) ]

AFFIDAVIT

We, ____, ___, _____, and ________, the Testator and Witnesses, having first been duly sworn, do solemnly swear that in our presence and in the presence of each other, [LEGAL NAME] signed, declared and published the foregoing instrument on ________, 19____, as his Last Will and Testament, and asked each of us to serve as Witnesses. Each of the Witnesses signed this Last Will and Testament as Witnesses, in the presence of [LEGAL NAME] and in the presence of each other. At the time of signing this Last Will and Testament, [LEGAL NAME] appeared to us to be of sound mind, free from duress, fraud or undue influence. Each of us who signed the foregoing instrument as a Witness is twenty-one (21) years of age or older and fully competent to serve as a Witness.

Date: ______________ Legal Name Testor: __________________

Date: ______________ Witness 1: ________________________

Date: ______________ Witness 2: ________________________
SOME SUGGESTIONS ABOUT YOUR WILL

Before your Last Will and Testament becomes valid, it must be properly executed. Although state laws vary, these steps should enable you to make your Last Will and Testament valid in your state (except Louisiana).

1. You will need three witnesses. You should sign your Will in front of the three of them at the same time. As you sign it, tell them that this document is your Last Will and Testament and that you are asking them to sign it as witnesses. (You may also want to initial each page to prevent anyone from making alterations to your Will. If you do, initial it at the bottom of each page, and have your Witnesses put their initials next to yours.) You do not have to reveal the contents of your Will to your Witnesses.

2. Have the Witnesses sign on the appropriate lines. You must watch each Witness sign, and each of them must watch the others sign.

3. In most states, the Affidavit that printed with your Will allows your Executor to begin the probate of your estate without having to call your Witnesses to court to prove that your Will is really your Will. (This is called "proving" the Will; the affidavit is called a "self-proving" affidavit.)

To make your Will self-proving, you should read and sign the affidavit on the line indicated. Your Witnesses should read the affidavit and sign it in your presence, in the presence of each other, and in the presence of a notary public.

While certain states do not recognize self-proving affidavits, having one anyway will not affect your Will's validity. Neither will not having one in states that honor them. The choice is yours.

Your Witnesses should be at least 21 years old, and they should not include anyone who will receive any of your property under your Will.

DO NOT sign any copies of your Will, or make copies of your signed Will. Sign only the original, using the procedure outlined above.

DO NOT make any changes, alterations or additions to your Will once it is printed. If you need to make a change, go back to the program and print a new document. Be sure to destroy the incorrect Will immediately, so there is no confusion later about which version is the correct one.
Keep the executed original of your Will in a safe place. A fireproof file box or home safe is usually better than a bank safety deposit box, since some states seal the box on your death.

This could delay the probate of your estate. Wherever you keep your executed Will, be sure to tell someone you trust (for example, your Executor) where it can be found in the event of your death. Attaching a list of your assets (insurance policy numbers, bank account information, etc.) will help your Executor carry out your wishes with a minimum of delay.

ТЕХТ 27

ЗАВЕЩАНИЕ

г. Москва третьего марта две тысячи второго года

Я, Иванов Иван Иванович, проживающий по адресу: г.Москва, ул.Советская 1, кв. 1, настоящим завещанием делаю следующее распоряжение:

1. Гараж и автомобиль я завещаю своему сыну Иванову Петру Ивановичу.
2. Квартиру я завещаю своей жене Ивановой Ирине Ивановне.
3. Компьютер и коллекцию дисков я завещаю своему внуку Иванову Ивану Петровичу.
4. Все остальное мое имущество, какое ко дню моей смерти окажется мне принадлежащим, в чем бы оно ни заключалось и где бы ни находилось, я завещаю своей дочери Ивановой Наталье Ивановне.
5. Содержание ст. 1149 ГК РФ мне нотариусом разъяснено.
6. Экземпляр завещания хранится в делах нотариальной конторы N 111 гор. Москвы и экземпляр выдается завещателю Иванову Ивану Ивановичу.

_____________ (подпись завещателя)

Удостоверительная надпись нотариуса
CONTRACT
to Provide Advertising Services

The international airport “Sheremetyevo”, represented by_____, acting on the basis of the Charter, hereinafter referred to as “Trustee”, the company “____”, represented by_____, acting on the basis of a power of attorney, hereinafter referred to as “Executor”, on the one hand, and the company “_____”, represented by _____, hereinafter called “Client”, on the other hand, have agreed as follows:

1. Subject of the Contract
1.1 The Client entrusts and the Executor undertakes to perform a complex of jobs on placement of advertising panels in arrivals halls. The design of the advertising panel forms an integral part of the Present Contract.

2. Rights and Obligations of the Parties
2.1 The Trustee shall provide electric power for lighting equipment of the Client’s advertising panels.
2.2 The Executor shall provide guarantee services for the Client’s lighting equipment and advertising panels for the duration of the present Contract.
2.3 Either party has the right to cancel the Contract by written notice 30 days in advance of the estimated date of termination. In this case the cost of placement from the time of the cancellation of the Contract till the agreed termination date shall be returned to the Client (rental payment for the remaining months).

3. Settlement Procedure
3.1 The Client shall make payment under the present Contract in the amount of GBP _____ into the settlement account of the Trustee within 14 banking days from the date of the present Contract.

4. Responsibility
4.1 In the event of the Client’s delay in payments in accordance with Article 3.1 of this Contract for more than 3 (three) banking days, the Trustee has the right to terminate the Contract unilaterally.
4.2 The Executor is liable for the proper condition of the panels and shall eliminate all defects at his own account within reasonable time from the moment they are discovered.
4.3 The Trustee guarantees that in the event of restructuring (liquidation) of the Executor, termination of the agency agreement between the Trustee and
the Executor, the present Contract will not be revoked and the Trustee shall become legal successor to the Executor.

5. Dispute Resolution
5.1 All disputes arising in connection with this Contract shall be settled in an amicable way. Should the Parties fail to reach amicable settlement, the dispute shall be settled by the Court of Arbitration of the Russian Federation.

6. Force Majeure
6.1 Should any circumstances arise which make complete or partial fulfillment by either party of its obligations under the present Contract impossible, the time stipulated for the fulfillment of these obligations shall be extended for as long as these circumstances prevail.

7. Other Provisions
7.1 This Contract is executed in two copies, one for each party, both texts having equal legal validity.
7.2 All amendments and supplements to the present Contract shall be valid if made in written form by agreement of both parties.

TEXT 29

Agreement No. 10/2004-3A

This agreement is made the 6 day of October 2004 between company _____ a company incorporated under the laws of UK, having its registered address at ________, hereinafter referred to as "Principal", represented by the Attorney Mr. _______, acting by virtue of the Power of Attorney, of the one part and company _______ a company incorporated under the laws of the United States of America, having its registered address ________, hereinafter referred to as "Agent", represented by the Director/Attorney ________, acting by virtue of the Charter/Power of Attorney, of the other part.

1. It is intended that the Principal will undertake the business activities described in Schedule 1 (the Business) acting by the Agent on an undisclosed basis.

2. The Principal appoints the Agent as its exclusive agent to conduct the Business in the territory described in Schedule 2 (The Territory) for a period of two years and thereafter until the appointment shall be determined by 6 calendar months notice in writing which may be given by either party to expire after the said two year period.

3. The Agent is to exercise all reasonable care and skill in the performance of its duties and shall act faithfully on behalf of the Principal, and on the basis of any instructions from the Principal.
4. The Principal will do all things reasonably necessary to enable the Agent to conduct the Business and will supply the Agent with such information as it may reasonably require for this purpose.

5. The remuneration of the Agent shall be way of commission and shall be at the rate:
   5 percent of all sales proceeds if annual volume of sales is below USD 2 million;
   4 percent of all sales proceeds if annual volume of sales is USD 2-5 million;
   3 percent of all sales proceeds if annual volume of sales is above USD 5 million; for services provided by the Agent.

6. The Agent shall from time to time submit to the Principal Reports on the services provided by the Agent.

7. The remuneration of the Agent shall be paid on an annual basis or more often by discretion of the Principal.

8. A. The Agent shall conduct the Business in its own name without disclosure of the interest of the Principal unless specifically instructed otherwise in relation to any particular matter. Without prejudice to the generality of this it is specifically agreed that all correspondence and contracts shall be written in the name of the Agent and all payments and receipts shall be made or received by the Agent in its own name using an account or accounts in the Agent's name. All sums received via the Agent shall after deduction of commission, be remitted to the account of the Principal within 45 days of receipt of such funds by the Agent.

8. B. The Agent has authority to undertake business on credit terms as it may agree from time to time but always subject to any restrictions that may be applied by the Principal in relation to any particular contract. Where credit terms are agreed by the Agent the Agent will indemnify and keep indemnified the Principal from all loss that may be caused by any breach or non observance on the part of the customer of the credit terms which, without prejudice to the generality of the foregoing, shall include both losses caused by the failure on the part of the customer to pay and any loss resulting from payment being made beyond the terms of the credit granted.

9. The Agent shall provide the Principal with such information as the Principal may request at any time in relation to the Business and to any accounts used in relation to the Business.

10. It has been unconditionally agreed upon by the Parties that the Principal is totally and solely responsible for all claims and actions brought by the customers of services in respect of the services quality.

11. In the event of the Agency lawfully being terminated by the Principal for any reason other than willful misconduct on the part of the Agent the Agent shall be entitled to a payment by the Principal by way of compensation for loss of goodwill suffered by the Agent. Such compensation shall be an
amount equal to the average sum earned by the Agent in respect of commission under the Agency during the 5 years immediately proceeding the termination. In the event of the Agency having subsisted for a shorter period than 5 years the amount of the compensation shall be the average annual sum of the entire period of the Agency. Where the Agent has completed more than 5 years service as Agent for the Principal the amount to be paid in compensation shall be increased by 2% in respect of each completed additional year of service. Such compensation shall be payable 3 months after termination of the Agency.

12. Bank account of Agency is account ___ opened in the name of ______

13. This agreement shall be construed in all respects in accordance with British Law and for this purpose the parties hereby submit themselves to the jurisdiction of courts of the UK.

14. Nothing in this agreement shall prevent or restrict the Principal from conducting the business in the Territory.

_________________
Signed by

_________________
For and on behalf of ______________

_________________
Signed by

_________________
For and on behalf of ______________

TEXT 30

TRANSLATION AGREEMENT

Date of this Agreement:
[Translator's Name] ("Translator") [Translator's Address] and [Client's Name] ("Client") [Client's Address] hereby agree as follows:

1. Description of services. Translator, as an independent contractor, will provide the following service(s) [Identify item(s) to be translated and the particular service(s) to be performed]:

   Scheduled completion date is:

   Translator shall make every effort to complete service(s) by the above date but shall not be responsible for delays in completion caused by events beyond Translator's control.

   Method of delivery: ______

   Format of delivery: ______
2. **Fee for services.** Client agrees to pay $____ as Translator's fee for the above service(s). Payment is due as follows: ____. The due dates for payment of fees and costs under this Agreement shall be the date(s) specified in this Agreement, provided that if no date is specified, the due date shall be the date of Translator's billing for the fees or costs. Any payments for fees or costs not received by Translator within _______ days of the due date will be deemed late and shall be subject to a __________% per month late charge. Client agrees to be responsible for Translator's costs in collecting late payments due from Client, including reasonable attorneys' fees.

3. **Cancellation or withdrawal by Client.** If Client cancels or withdraws any portion of the item(s) described in paragraph 1 above prior to Translator's completion of the service(s), then, in consideration of Translator's scheduling and/or performing said service(s) Client shall pay Translator the portion of the above fee represented by the percentage of total service(s) performed, but in any event not less than _____% of said fee.

4. **Additional fees.** Additional fees will be payable, to be calculated as provided below, in the event the following additional services are required: (a) investigation, inquiry, or research beyond that normal to a routine translation is required because of ambiguities in the item(s) to be translated; (b) additional services are required because Client makes changes in the item(s) to be translated after the signing of this Agreement; and (c) Translator is requested to make changes in the translation after delivery of the translation, because of Client's preferences as to style or vocabulary, and such changes are not required for accuracy. Such additional fees will be calculated as follows: _______ .

5. **Additional costs.** Client shall reimburse Translator for necessary out-of-pocket expenses incurred by Translator that are not a normal part of routine translation procedure, such as overnight document delivery service requested by Client, long distance telephone and telefax expenses to clarify document ambiguity, etc.

6. **Client's review of translation.** Upon receipt of the translation from Translator, Client shall promptly review it, and within 30 days after receipt shall notify Translator of any requested corrections or changes. Translator shall correct, at no cost to Client, any errors made by Translator.

7. **Confidentiality.** All knowledge and information expressly identified by Client in writing as confidential which Translator acquires during the term of this Agreement regarding the business and products of Client shall be maintained in confidentiality by Translator and, except as expressly authorized by Client in writing, shall not be divulged or published by Translator and shall not be authorized by Translator to be divulged or published by others. Confidential information for purposes of this paragraph shall not include the following:

   a. Information which is or becomes available to the general public, provided the disclosure of such information did not result from a breach by Translator of this paragraph.
b. Terminological glossary entries compiled by Translator in the course of Translator's performance of the translation service(s) under this Agreement; provided, however, that Client and Translator may agree in writing that, upon payment by Client to Translator of an agreed-upon fee, such terminological glossary entries shall be the property of Client and shall be covered by the confidentiality provisions of this paragraph.

8. Translation is property of client, copyright. Upon Client's completion of all payments provided herein, the translation of the item(s) described in paragraph 1 above shall be the property of Client. Translator has no obligation to take any steps to protect any copyright, trademark or other right of Client with respect to the translation, except as may be expressly otherwise provided in this Agreement. Notwithstanding the foregoing, Translator shall have the right to retain file copies of the item(s) to be translated and of the translation, subject to the provisions of paragraph 7 above.

9. Indemnification and hold-harmless by Client. Client agrees to indemnify and hold Translator harmless from any and all losses, claims, damages, expenses or liabilities (including reasonable attorneys' fees) which Translator may incur based on information, representations, reports, data or product specifications furnished, prepared or approved by Client for use by Translator in the work performed under this Agreement.

10. Changes by others. Translator shall have no responsibility whatever as to any changes in the translation made by persons other than Translator.

11. Governing law. This Agreement shall be governed by the laws of the State of ______.

12. Additional provisions. [Add all additional provisions required by the parties.]

13. Complete agreement. This is the complete agreement of the parties as to the subject matter hereof. Any changes in this Agreement must be in writing signed by both parties. This Agreement becomes a binding contract only upon signature by both parties and the delivery of fully signed copies to each party.

Translator: _______                  Client:  ____________

ТЕКСТ 31

Договор об оказании юридических услуг

, в лице , действующего на основании (далее — «Клиент»), и (лицензия ), в лице , действующего на основании доверенности (далее — «Консультант»), заключили договор о нижеследующем:
1. Предмет договора
Консультант обязуется оказывать клиенту консультационные юридические услуги, а Клиент обязуется выплатить Консультанту вознаграждение за оказанные услуги и компенсировать все издержки и расходы, понесенные Консультантом в ходе оказания услуг.

2. Обязанности Консультанта
2.1. Консультант обязуется предоставить Клиенту письменные консультации по вопросам ________________.
2.2. Для оказания письменных и устных консультаций Консультант имеет право привлекать на субподрядной основе иные юридические фирмы, располагающиеся в иных государственно-правовых образованиях, где у Консультанта не имеется представительств и филиалов.
2.3. Консультант приложит все разумные усилия для выполнения своих обязательств должным образом, с той степенью заботливости и внимание, которая определяется природой обязательств и местной деловой практикой.

3. Обязанности Клиента
3.1. Клиент обязуется периодически предоставлять Консультанту информацию по его просьбе для того, чтобы содействовать Консультанту в оказании юридических услуг в соответствии с его обязательствами, предусмотренными Статьей 2 настоящего Договора.
3.2. Клиент обязуется оплачивать юридические услуги Консультанта в соответствии с положениями Статьи 4.
3.3. Клиент обязуется возмещать все расходы и издержки, понесенные Консультантом при оказании юридических услуг.

4. Стоимость и оплата услуг
4.1. Оплата услуг Консультанта производится на основе счетов, выставляемых Консультантом по окончании оказания услуг по настоящему Договору.
4.2. Стоимость услуг Консультанта будет зависеть от количества часов, затраченных сотрудниками Консультанта на оказание услуг Клиенту, и будет рассчитываться исходя из часовых ставок, указанных в Приложении к настоящему Договору.
4.3. В дополнение к этому Консультант выставит счет Клиенту по всем расходам и издержкам, возникшим в связи с оказанием юридических услуг, включая в том числе, государственную пошлину, различные сборы, международные телефонные разговоры и факсимильную связь, услуги переводчиков, сверхурочное время работы секретарей, нотариальные сборы. Все расходы расчитываются без учета НДС, который подлежит уплате (там, где это применимо) Клиентом.
4.4. В случае неоплаты Клиентом счета, выставленного согласно п.
4.3. настоящего Договора, в течение календарных дней с момента его выставления, на всю сумму счета начисляется пени в размере 1% за каждый день просрочки платежа.

5. Конфиденциальность и неразглашение информации
Клиент и Консультант обязуются не раскрывать положения настоящего Договора без получения согласия на то другой стороны, за исключением раскрытия информации на основании положений законодательства РФ.

6. Ответственность Консультанта
При нарушении Консультантом своих обязательств, вытекающих из настоящего Договора, Консультант обязуется возместить Клиенту непосредственные и прямые убытки, понесенные Клиентом в результате такого невыполнения, за исключением упущенной выгоды; и такое возмещение ограничивается разумными расходами Клиента.

7. Порядок разрешения споров
7.1. Консультант и Клиент обязуются предпринять все разумные усилия, чтобы разрешать дружеским путем все споры, вытекающие из настоящего Договора или возникающие в связи с ним.
7.2 При невозможности разрешения спора дружеским путем все споры, вытекающие из настоящего Договора или возникающие в связи с ним, подлежат передаче на рассмотрение Международного Коммерческого Арбитражного Суда при Торгово-промышленной палате Российской Федерации (далее — «МКАС») в соответствии с Регламентом МКАС. Полномочия МКАС по разрешению таких споров являются исключительными.
7.3 К настоящему Договору применяется законодательство Российской Федерации.

8. Вступление в силу, изменение и расторжение
8.1. Настоящий Договор вступает в силу немедленно по его подписании Клиентом и Консультантом и действует до:
8.1.1. направления одной стороной другой уведомления о расторжении Договора; или
8.1.2. начала процедуры ликвидации или объявления несостоятельной какой-либо стороны Договора.
8.2. Все изменения, дополнения и расторжение настоящего Договора имеют силу только в том случае, если они явным образом согласованы в письменной форме и подписаны уполномоченными представителями обеих сторон.
8.3. Настоящий Договор обязателен для правопреемников сторон.

9. Экземпляры
Настоящий Договор составлен на русском и английском языках в четырех экземплярах, по одному экземпляру на русском и английском языке для каждой из сторон. В случае любого противоречия или несоответствия между текстами текст на русском языке является превалирующим.

От имени и по поручению ____________________________
От имени и по поручению ____________________________

TEXT 32

United States Court of Appeals
For the First Circuit

No. 99-2302

UNITED STATES OF AMERICA,
Appellee,
v.
CHAD AUSTIN,
Defendant, Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE
[Hon. Steven J. McAuliffe, U.S. District Judge]

Before
Torruella, Chief Judge,
Wallace,* Senior Circuit Judge,
and Lipez, Circuit Judge.

David H. Bownes for appellant.

Donald Feith, Assistant United States Attorney, with whom Paul M. Gagnon, United States Attorney, was on brief for appellee.

* of the Ninth Circuit, sitting by designation.

WALLACE, Circuit Judge. Austin appeals from his sentence, imposed following his conviction for bank robbery in violation of 18 U.S.C. § 2113(a) and (d), use of a firearm in a crime of violence in violation of 18 U.S.C. § 924(c), possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g)(1), interstate transportation of stolen property in violation of 18 U.S.C.
§ 2314, and interstate transportation of a stolen motor vehicle in violation of 18 U.S.C. § 2312. He raises two issues. First, he contends that the district court erred at sentencing by enhancing his base offense level by three levels pursuant to U.S.S.G. § 3A1.2(b) (official victims) and by two levels pursuant to U.S.S.G. § 3C1.2 (reckless endangerment). Austin argues that the conduct underlying the enhancements formed the basis of a term of imprisonment imposed by a Massachusetts state court for offenses related to the federal violations. Second, Austin contends that the district court erred at sentencing by aggregating Counts One, Four, and Five, and by aggregating the value of the money taken in the bank robbery and the value of the stolen vehicle transported interstate, which resulted in a one level enhancement to his base offense level pursuant to U.S.S.G. § 2B3.1(b)(7). The district court had jurisdiction pursuant to 18 U.S.C. § 3231. We have jurisdiction over this timely filed appeal pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742 (a)(2). We affirm in part, vacate in part, and remand for resentencing.

Austin's presentence report (Report) recommended an adjusted offense level of 32 for Count One and an adjusted offense level of 26 for Count Three. The Report grouped together Counts Four and Five pursuant to U.S.S.G. § 3D1.2(d) and recommended a combined adjusted offense level of 11. The Report then grouped this subgroup with Count One pursuant to U.S.S.G. § 3D1.2(c), and grouped Count Three with Count One pursuant to U.S.S.G. § 3D1.2(c). Pursuant to U.S.S.G. § 3D1.3(a), the Report recommended a combined offense level of 32, determined by the highest offense level of the counts in the group, which was Count One. Austin's criminal history category was VI. His total offense level and criminal history category together resulted in a sentencing range of 210 to 262 months. U.S.S.G. § 5A. In addition, pursuant to U.S.S.G. § 72K2.4, Count Two called for a mandatory 60-month consecutive prison term.

At the time of Austin's federal sentencing, he was serving a term of imprisonment imposed by the Commonwealth of Massachusetts for the related state convictions. The Report stated that, because of this, U.S.S.G. § 5G1.3 was implicated and concluded that, pursuant to provisions (b) or (c) of section 5G1.3, Austin's sentence could be imposed to run concurrently with, partially concurrently with, or consecutively to the prior undischarged term of state imprisonment, depending on the circumstances.

Austin argued for a fully concurrent sentence pursuant to U.S.S.G. § 5G1.3(b), with the exception of the 60-month mandatory consecutive sentence (Count Two). He contended that because the recommended federal sentence fully took into account conduct that formed the basis of his Massachusetts sentence, section 5G1.3(b) required that his federal sentence run concurrently with his undischarged state term. In addition, Austin argued that the Report's grouping of Counts Four and Five with Count One was improper under section 3D1.2 and resulted in an improper one-level enhancement under Count One.
The government argued for a wholly consecutive sentence pursuant to U.S.S.G. § 5G1.3(c). The prosecution acknowledged that two two-level enhancements included in the Report's total offense level of 32 fully took into account conduct for which Austin was sentenced in Massachusetts. Thus, if those two enhancements were eliminated, the government contended, Austin's sentence could be wholly consecutive.

The district court then applied a total offense level of 28, rather than the Report's recommended 32, with a criminal history category of VI, which resulted in a sentencing range of 140 to 175 months. Applying U.S.S.G. § 5G1.3(c), the district court sentenced Austin to 175 months on Count One, 115 of which were to run concurrently to the Massachusetts sentence and 60 of which were to run consecutively to that sentence. In addition, the court sentenced him to a 60 month term for Count Two, which was consecutive to all other sentences.

Appellate review of a district court's interpretation and application of the Sentencing Guidelines (Guidelines) is de novo. United States v. Collazo-Aponte, 216 F.3d 163, 200 (1st Cir. 2000). We review the district court's factual determinations for clear error, giving "due deference to the district court's application of the guidelines to the facts." Id. quoting United States v. Cali, 87 F.3d 571, 575 (1st Cir. 1996).

Section 2B3.1 determines a sentence partly on the basis of a monetary loss table, which instructs the court to increase the offense level by "one level" if the "loss" was more than $10,000 but not more than $50,000. U.S.S.G. § 2B3.1(b)(7). The robbery guideline Commentary informs the court that "[v]aluation of loss is discussed in the Commentary to § 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft)." U.S.S.G. § 2B3.1 application note 3. The latter guideline defines "loss" as including the "value of the property taken." U.S.S.G. § 2B1.1 application note 2. The district court proceeded to add that one level after aggregating the Jetta's $2,000 value and the $9,028 taken in the robbery, yielding a total "loss" of over $10,000.

In support of its contention that the district court was correct to count the value of the Jetta as a robbery-related loss pursuant to U.S.S.G. § 2B3.1(b)(7), the government exclusively relies on our decision in United States v. Cruz-Santiago, 12 F.3d 1 (1st Cir. 1993). In Cruz-Santiago, we held that the district court correctly "counted, as a robbery-related 'loss' for sentencing purposes, the value of a car . . ." pursuant to U.S.S.G. 2B3.1(b)(6)(B), the then existing robbery provision. 12 F.3d at 1. Cruz-Santiago, however, is distinguishable. The defendants in Cruz-Santiago "entered a bank, took $6,160, shot the assistant manager, ran outside the bank, saw a [vehicle] . . . passing by, forced its innocent driver out of the car, and drove off to a rendezvous point." Id. They were charged with and convicted of bank robbery in the District of Puerto Rico. Id.

The case before us differs in important respects. First, Austin stole the vehicle at some time earlier than when he committed the bank robbery; thus, the
two offenses are not a continuous event and are somewhat attenuated. More significantly, the robbery in Cruz-Santiago "involved carjacking," which is an aggravating factor under the robbery guideline, U.S.S.G. § 2B3.1(b)(5). In contrast, Austin's theft of the Jetta was not a "carjacking," nor did his bank robbery involve the car theft in the same contemporaneous manner. We conclude that Cruz-Santiago is distinguishable and does not control the case before us.

We need not address this issue because any error the district may have committed in grouping Counts One, Four, and Five pursuant to U.S.S.G. § 3D1.2 for the purpose of applying U.S.S.G. § 3D1.3 would necessarily be harmless. Austin's sentence was not altered by applying section 3D1.3 rather than section 3D1.4 to determine the combined offense level. Pursuant to section 3D1.3, the district court imposed a combined offense level of 28, the offense level pertaining to the robbery count, the highest offense level in the Group. Pursuant to section 3D1.4, the combined offense level imposed would still have been 28. This identical outcome persists even once the improper one-level enhancement pursuant to section 2B3.1(b)(7) is subtracted. Under either provision, Austin's combined offense level will be 27.

AFFIRMED IN PART, VACATED IN PART, AND REMANDED FOR RESENTENCING.

TEXT 33

The European Court of Human Rights has today delivered at a public hearing its Grand Chamber judgment in the case of Ilascu and Others v. Moldova and Russia. The Court held

- by sixteen votes to one, that the applicants came within the jurisdiction of Russia within the meaning of Article 1 of the European Convention on Human Rights…

The Court further held, unanimously, that Moldova and Russia were to take all the necessary steps to put an end to the arbitrary detention of the applicants still imprisoned and secure their immediate release.

Decision of the Court

Article 1
As regards Moldova

On the basis of all the material in its possession, the Court considered that the Moldovan Government, the only legitimate government of the Republic of Moldova under international law, did not exercise authority over part of its territory, namely that part which was under the effective control of the “Moldovian Republic of Transdnistria” (“MRT”). However, even in the absence of effective control over the Transdniestrian region, Moldova still had a positive obligation
under Article 1 of the Convention to take the measures that it was in its power to take and were in accordance with international law to secure to the applicants the rights guaranteed by the Convention.

As regards Russia
During the Moldovan conflict in 1991-92 forces of the former Fourteenth Army (which had owed allegiance to the USSR, the CIS and the Russian Federation in turn) stationed in Transdniestria, had fought with and on behalf of the Transdniestrian separatist forces. Large quantities of weapons from the stores of the Fourteenth Army had been voluntarily transferred to the separatists, who had also been able to seize possession of other weapons unopposed by Russian soldiers. In addition, throughout the clashes between the Moldovan authorities and the Transdniestrian separatists the Russian leaders had supported the separatist authorities by their political declarations.

The Russian authorities had therefore contributed both military and politically to the creation of a separatist regime in the region of Transdniestria, part of the territory of the Republic of Moldova. Even after the ceasefire agreement of 21 July 1992 Russia had continued to provide military, political and economic support to the separatist regime, thus enabling it to survive by strengthening itself and by acquiring a certain amount of autonomy vis-à-vis Moldova. In the Court’s opinion, all of the acts committed by Russian soldiers with regard to the applicants, including their transfer into the charge of the separatist regime, in the context of the Russian authorities’ collaboration with that illegal regime, were capable of engaging responsibility for the consequences of the acts of that regime...

That being so, the Court considered that there was a continuous and uninterrupted link of responsibility on the part of Russia for the applicants’ fate, as its policy of support for the regime and collaboration with it had continued beyond 5 May 1998, and after that date Russia had made no attempt to put an end to the applicants’ situation brought about by its agents and had not acted to prevent the violations allegedly committed. The applicants therefore came within the jurisdiction of Russia and its responsibility was engaged with regard of the acts complained of.

**TEXT 34**

**Constitution of the United States of America**

**Article I**

**Section 1.** All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
Section 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several states…

Section 3. The Senate of the United States shall be composed of two Senators from each state…and each Senator shall have one vote.

Article II
Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows…

No person except a natural born Citizen, or a Citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the age of thirty five years, and been fourteen years a resident within the United States…

Section 2. The President… shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, judges of the Supreme Court, and all other officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law…

Article III
Section 1. The judicial power of the United States shall be vested in one supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish…

Section 2… The trial of all crimes, except in cases of impeachment, shall be by Jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by Law have directed.

Amendment XV
Section 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.
Конституция Российской Федерации

Статья 81
1. Президент Российской Федерации избирается на четыре года гражданами Российской Федерации на основе всеобщего равного и прямого избирательного права при тайном голосовании.
2. Президентом Российской Федерации может быть избран гражданин Российской Федерации не моложе 35 лет, постоянно проживающий в Российской Федерации не менее 10 лет.
3. Одно и то же лицо не может занимать должность Президента Российской Федерации более двух сроков подряд.
4. Порядок выборов Президента Российской Федерации определяется федеральным законом.

Статья 84
Президент Российской Федерации
а) назначает выборы Государственной Думы в соответствии с Конституцией Российской Федерации и федеральным законом;
б) распускает Государственную Думу в случаях и порядке, предусмотренных Конституцией Российской Федерации;
в) назначает референдум в порядке, установленном федеральным конституционным законом;
г) вносит законопроекты в Государственную Думу;
д) подписывает и обнародует федеральные законы;
е) обращается к Федеральному Собранию с ежегодными посланиями о положении в стране, об основных направлениях внутренней и внешней политики государства.

Статья 94
Федеральное Собрание - парламент Российской Федерации – является представительным и законодательным органом Российской Федерации.

Статья 95
1. Федеральное Собрание состоит из двух палат – Совета Федерации и Государственной Думы.
2. В Совет Федерации входят по два представителя от каждого субъекта Российской Федерации: по одному от представительного и исполнительного органов государственной власти.
3. Государственная Дума состоит из 450 депутатов.
Статья 110
1. Исполнительную власть Российской Федерации осуществляет Правительство Российской Федерации.
2. Правительство Российской Федерации состоит из Председателя Правительства Российской Федерации, заместителей Председателя Правительства Российской Федерации и федеральных министров.

Статья 112
1. Председатель Правительства Российской Федерации не позднее недельного срока после назначения представляет Президенту Российской Федерации предложения о структуре федеральных органов исполнительной власти.
2. Председатель Правительства Российской Федерации предлагает Президенту Российской Федерации кандидатуры на должности заместителей Председателя Правительства Российской Федерации и федеральных министров.

ТЕКТ 36

Section 9 Accounting offence (61/2003)
If a person with a legal duty to keep accounts, his/her representative, a person exercising actual decision-making authority in a corporation with a legal duty to keep books, or the person entrusted with the keeping of accounts
(1) in violation of the requirements of legislation on accounting neglects the recording of business transactions or the balancing of the accounts,
(2) enters false or misleading data into the accounts, or
(3) destroys, conceals or damages account documentation and in this way impedes the obtaining of a true and sufficient picture of the financial result of the business of the said person or of his/her financial standing, he/she shall be sentenced for an accounting offence to a fine or to imprisonment for at most two years.

Section 9 a Aggravated accounting offence (61/2003)
If in the accounting offence
(1) the recording of business transactions or the closing of the books is neglected in full or to an essential degree,
(2) there is a considerable amount of false or misleading information, these pertain to large amounts or they are based on falsified certificates, or
(3) the accounts are destroyed or hidden in full or to an essential degree or they are damaged to an essential degree and the accounting offence is aggravated also when assessed as a whole, the offender shall be sentenced for an aggravated accounting offence to imprisonment for at least four months and at most four years.
Section 10 Negligent accounting offence (61/2003)
If a person with a legal duty to keep accounts, his/her representative, a person exercising actual decision-making authority in a corporation with a legal duty to keep books, or a person commissioned to keep the accounts, through gross negligence
(1) neglects in full or in part the recording of business transactions or the closing of the books, or
(2) destroys, misplaces or damages account documentation and in this way essentially impedes the obtaining of a true and sufficient picture of the financial result or financial position of the activity of the person with a legal duty to keep books, he/she shall be sentenced for a negligent accounting offence to a fine or to imprisonment for at most two years.
ние привлечения сбережений населения в банковскую систему Российской Федерации.

2. Настоящий Федеральный закон регулирует отношения по созданию и функционированию системы страхования вкладов, формированию и использованию ее денежного фонда, выплатам возмещения по вкладам при наступлении страховых случаев, а также отношения, возникающие в связи с осуществлением государственного контроля за функционированием системы страхования вкладов, и иные отношения, возникающие в данной сфере.

3. Действие настоящего Федерального закона не распространяется на иные способы страхования вкладов физических лиц для обеспечения их возврата и выплаты процентов по ним.

4. В соответствии с целями настоящего Федерального закона устанавливаются особенности правового статуса участников системы страхования вкладов и определения существенных условий обязательного страхования вкладов, страхового случая, уплаты страховых взносов и получения страхового возмещения по обязательному страхованию вкладов.

5. Отношения, возникающие в связи с созданием и функционированием системы страхования вкладов, регулируются настоящим Федеральным законом, иными федеральными законами, а в случаях, предусмотренных настоящим Федеральным законом, - принимаемыми в соответствии с ним нормативными правовыми актами Правительства Российской Федерации и нормативными актами Банка России.

Статья 2. Основные понятия, используемые в настоящем Федеральном законе

В настоящем Федеральном законе используются следующие основные понятия:

1) банк – кредитная организация, имеющая разрешение Банка России на привлечение во вклады денежных средств физических лиц и на открытие и ведение банковских счетов физических лиц, выдаваемое Банком России банкам в порядке, установленном Федеральным законом "О банках и банковской деятельности" (в редакции Федерального закона от 3 февраля 1996 года N 17-ФЗ) (далее – Федеральный закон "О банках и банковской деятельности");

2) вклад – денежные средства в валюте Российской Федерации или иностранной валюте, размещаемые физическими лицами в банке на территории Российской Федерации на основании договора банковского вклада или договора банковского счета, включая капитализированные (причисленные) проценты на сумму вклада;

3) реестр банков – формируемый в соответствии с настоящим Федеральным законом перечень банков, состоящих на учете в системе страхования вкладов;
4) вкладчик – гражданин Российской Федерации, иностранный гражданин или лицо без гражданства, заключившие с банком договор банковского вклада или договор банковского счета, либо любое из указанных лиц, в пользу которого внесен вклад;

5) возмещение по вкладу (вкладам) (далее также – страховое возмещение) – денежная сумма, подлежащая выплате вкладчику в соответствии с настоящим Федеральным законом при наступлении страхового случая;

6) разрешение Банка России – выдаваемая Банком России лицензия на привлечение банком во вклады денежных средств физических лиц и на открытие и ведение банковских счетов физических лиц в порядке, установленном Федеральным законом "О банках и банковской деятельности";

7) дефицит фонда обязательного страхования вкладов – недостаточность фонда обязательного страхования вкладов для осуществления выплаты возмещения по вкладам в установленные настоящим Федеральным законом сроки.

Статья 3. Основные принципы системы страхования вкладов
Основными принципами системы страхования вкладов являются:
1) обязательность участия банков в системе страхования вкладов;
2) сокращение рисков наступления неблагоприятных последствий для вкладчиков в случае неисполнения банками своих обязательств;
3) прозрачность деятельности системы страхования вкладов;
4) накопительный характер формирования фонда обязательного страхования вкладов за счет регулярных страховых взносов банков - участников системы страхования вкладов.

Статья 4. Участники системы страхования вкладов
Участниками системы страхования вкладов являются:
1) вкладчики, признаваемые для целей настоящего Федерального закона выгодоприобретателями;
2) банки, внесенные в установленном порядке в реестр банков, признаваемые для целей настоящего Федерального закона страхователями;
3) Агентство, признаваемое для целей настоящего Федерального закона страховщиком;
4) Банк России при осуществлении им функций, вытекающих из настоящего Федерального закона.

Статья 5. Вклады, страхование которых осуществляется в соответствии с настоящим Федеральным законом
1. В соответствии с настоящим Федеральным законом подлежат страхованию вклады в порядке, размерах и на условиях, которые установ-
лены главой 2 настоящего Федерального закона, за исключением денежных средств, указанных в части 2 настоящей статьи.

2. В соответствии с настоящим Федеральным законом не подлежат страхованию денежные средства:
   1) размещенные на банковских счетах физических лиц, занимающихся предпринимательской деятельностью без образования юридического лица, если эти счета открыты в связи с указанной деятельностью;
   2) размещенные физическими лицами в банковские вклады на предъявителя, в том числе удостоверенные сберегательным сертификатом и (или) сберегательной книжкой на предъявителя;
   3) переданные физическими лицами банкам в доверительное управление;
   4) размещенные во вклады в находящихся за пределами территории Российской Федерации филиалах банков Российской Федерации.

3. Страхование вкладов осуществляется в силу настоящего Федерального закона и не требует заключения договора страхования.

Статья 6. Участие банков в системе страхования вкладов

1. Участие в системе страхования вкладов в соответствии с настоящим Федеральным законом обязательно для всех банков.

2. Банк считается участником системы страхования вкладов со дня его постановки на учет до дня снятия его с учета в системе страхования вкладов в соответствии со статьей 28 настоящего Федерального закона.

3. Банки обязаны:
   1) уплачивать страховые взносы в фонд обязательного страхования вкладов (далее - страховые взносы);
   2) представлять вкладчикам информацию о своем участии в системе страхования вкладов, о порядке и размерах получения возмещения по вкладам;
   3) размещать информацию о системе страхования вкладов в доступных для вкладчиков помещениях банка, в которых осуществляется обслуживание вкладчиков;
   4) вести учет обязательств банка перед вкладчиками, позволяющий банку сформировать на любой день реестр обязательств банка перед вкладчиками по форме, которая устанавливается Банком России по предложению Агентства;
   5) исполнять иные обязанности, предусмотренные настоящим Федеральным законом.
Preamble

The member States of the Council of Europe and the other States signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Recognizing the value of fostering cooperation with the other States parties to this Convention;

Convinced of the need to pursue, as a matter of priority, a common criminal policy aimed at the protection of society against cybercrime, inter alia, by adopting appropriate legislation and fostering international co-operation;

Conscious of the profound changes brought about by the digitalization, convergence and continuing globalization of computer networks;

Concerned by the risk that computer networks and electronic information may also be used for committing criminal offences and that evidence relating to such offences may be stored and transferred by these networks;

Recognizing the need for co-operation between States and private industry in combating cybercrime and the need to protect legitimate interests in the use and development of information technologies;

Believing that an effective fight against cybercrime requires increased, rapid and well-functioning international co-operation in criminal matters;

Convinced that the present Convention is necessary to deter action directed against the confidentiality, integrity and availability of computer systems, networks and computer data as well as the misuse of such systems, networks and data by providing for the criminalization of such conduct, as described in this Convention, and the adoption of powers sufficient for effectively combating such criminal offences, by facilitating their detection, investigation and prosecution at both the domestic and international levels and by providing arrangements for fast and reliable international cooperation;

Mindful of the need to ensure a proper balance between the interests of law enforcement and respect for fundamental human rights as enshrined in the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights and other applicable international human rights treaties, which reaffirm the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, and the rights concerning the respect for privacy;

Mindful also of the right to the protection of personal data, as conferred, for example, by the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data;

Taking into account the existing Council of Europe conventions on cooperation in the penal field, as well as similar treaties which exist between Council of Europe member States and other States, and stressing that the present Convention is intended to supplement those conventions in order to make criminal investigations and proceedings concerning criminal offences related to computer systems and data more effective and to enable the collection of evidence in electronic form of a criminal offence;

Welcoming recent developments which further advance international understanding and cooperation in combating cybercrime, including action taken by the United Nations, the OECD, the European Union and the G8;

Recalling Committee of Ministers Recommendations No. R (85) 10 concerning the practical application of the European Convention on Mutual Assistance in Criminal Matters in respect of letters rogatory for the interception of telecommunications, No. R (88) 2 on piracy in the field of copyright and neighbouring rights, No. R (87) 15 regulating the use of personal data in the police sector. No. R (95) 4 on the protection of personal data in the area of telecommunication services, with particular reference to telephone services, as well as No. R (89) 9 on computer-related crime providing guidelines for national legislatures concerning the definition of certain computer crimes and No. R (95) 13 concerning problems of criminal procedural law connected with information technology;

Having regard to Resolution No. 1 adopted by the European Ministers of Justice at their 21st Conference (Prague, 10 and 11 June 1997), which recommended that the Committee of Ministers support the work on cybercrime carried out by the European Committee on Crime Problems (CDPC) in order to bring domestic criminal law provisions closer to each other and enable the use of effective means of investigation into such offences, as well as to Resolution No. 3 adopted at the 23rd Conference of the European Ministers of Justice (London, 8 and 9 June 2000), which encouraged the negotiating parties to pursue their efforts with a view to finding appropriate solutions to enable the largest possible number of States to become parties to the Convention and acknowledged the need for a swift and efficient system of international co-operation, which duly takes into account the specific requirements of the fight against cybercrime;

Having also regard to the Action Plan adopted by the Heads of State and Government of the Council of Europe on the occasion of their Second Summit (Strasbourg, 10 and 11 October 1997), to seek common responses to the development of the new information technologies based on the standards and values of the Council of Europe;

Have agreed as follows:
Preparation of Case for Examination

§19. Notification of the Respondent and Election of Arbitrator by the Respondent

1. Upon receipt of the statement of claim the Executive Secretary of the ICAC shall notify the respondent thereof and shall send him copies of the statement of claim and of the documents attached thereto.

2. At the same time the Executive Secretary shall invite the respondent to file his written explanations supported by relevant evidence within not more than 45 days after receiving the copy of the statement of claim.

3. Within 30 days after receiving the copy of the statement of claim the respondent shall indicate full names of the arbitrator and reserve arbitrator chosen by him or request for nomination of an arbitrator and reserve arbitrator by the President of the ICAC.

§20. Formation of the Arbitral Tribunal

1. If the parties have failed to agree that the case shall be considered by a sole arbitrator, the arbitral tribunal shall be formed of three arbitrators. The functions of a tribunal, as specified in the Rules, shall equally apply to a sole arbitrator.

2. If the respondent fails to choose an arbitrator and reserve arbitrator within the time envisaged in para. 19, sub-para. 3, of the present Rules, the arbitrator and reserve arbitrator shall be appointed on his behalf by the President of the ICAC from the List of Arbitrators.

3. The arbitrators chosen by the parties or appointed by the President of the ICAC shall elect the chairman of the arbitral tribunal from the List of Arbitrators. Following the same procedure they may also elect a reserve chairman of the tribunal. If the arbitrators fail to select the chairman of the tribunal within 30 days from the date of the election or appointment of the second arbitrator, the chairman of the arbitral tribunal shall be appointed by the President of the ICAC from the List of Arbitrators. Following the same procedure the President of the ICAC may also elect a reserve chairman of the tribunal.

4. Where there are two or more claimants or respondents, the claimants and the respondents shall choose one arbitrator and one, reserve arbitrator on each side. They may also request the President of the ICAC for nomination of an arbitrator and reserve arbitrator on their behalf. If the claimants and the respondents have failed to come to an agreement within 30 days, the arbitrator and reserve arbitrator shall be appointed by the President of the ICAC from the List of Arbitrators. The indicated term shall be counted from the date when the need was found to elect one arbitrator and one reserve arbitrator each from two and more claimants or respondents.
§21. Election or Appointment of a Sole Arbitrator

If, as agreed by the parties, the case is to be considered by a sole arbitrator the sole arbitrator and reserve sole arbitrator shall be chosen by agreement of the parties. They may also request the President of the ICAC for nomination of a sole arbitrator and reserve sole arbitrator on their behalf. Failing such agreement, the sole arbitrator and reserve sole arbitrator shall be appointed by the President of the ICAC from the List of Arbitrators.

§22. Preparation of the Case for examination

1. The arbitral tribunal shall check the state of preparation of the case for examination and, if it deems necessary, shall take further measures to prepare the case, particularly by obtaining written explanations, evidence, or other additional documents from the parties. If the tribunal decides to take further measures to prepare the case, it shall determine time limits within which such further measures shall be carried out.

2. The chairman of the arbitral tribunal may give instructions to the Executive Secretary of the ICAC in connection with the preparation and the conduct of the proceedings. He shall also direct the Executive Secretary to invite the parties to the hearing.

§23. Notification of the Parties about the Hearing

1. The parties shall be notified of the time and place of a hearing by notices which shall be forwarded to them so as to enable each party to have at least 30 days at his disposal to prepare for and to appear at the hearing. Upon agreement of the parties this period may be reduced.

2. Should there be a need to conduct further hearings, their dates shall be set by the arbitral tribunal with consideration of particular circumstances.

§24. Challenge to Arbitrator, Expert, or Interpreter

1. Each party shall be entitled, to challenge an arbitrator, the chairman of the arbitral tribunal, or a sole arbitrator, if there are circumstances giving rise to justifiable doubts as to their impartiality or independence, particularly if it can be supposed that they are personally, directly or indirectly interested in the outcome of the proceedings. The request of challenge may also be submitted in case when an arbitrator does not have the qualifications stipulated in the parties' agreement.

The party shall submit its written request of challenge containing the motives thereof not later than 15 days after he has come to know that the arbitral tribunal has been formed, or after the party has found out about any circumstances which may be a ground for the challenge. Such request submitted subsequently shall be considered only if the arbitral tribunal finds the delay justified.

2. The question of challenge shall be decided by other members of the arbitral tribunal. If they fail to come to an agreement, or if two arbitrators or a sole arbitrator are challenged, the question of challenge shall be decided by the Presidium of the ICAC.
The Pennsylvania State University

College of Engineering Administration by authority of the Board of Trustees and upon the recommendation of the Faculty and of the Senate hereby confers upon

Bridget Horace

The degree of

Master of Science

In recognition of the completion of the major in

Computer Science

In testimony whereof, the undersigned have witnessed their names and afford deal of the University this twenty-second of August in the year 2003.
Certificate of birth

This certificate is issued in recognition of the birth of
NAME Here
sex here child, X pounds, X ounces
born this day here
to Parent one and Parent two

Hospital of issue here
Location here

Registrar of civil status
Регистрационный номер АФ-563 23 июня 2003г.

РОССИЙСКАЯ ФЕДЕРАЦИЯ
Воронеж
Государственное образовательное учреждение высшего профессионального образования
«Воронежский государственный университет»

ДИПЛОМ

БВС  0168192

Решением
Государственной аттестационной комиссии
от 16 июня 2003 года

Борисову Андрею Сергеевичу

ПРИСУЖДЕНА
КВАЛИФИКАЦИЯ

ЮРИСТ
по специальности
«Юриспруденция»

Председатель Государственной аттестационной комиссии   (подпись)

Ректор   (подпись)

М.П.

ПРИЛОЖЕНИЕ
К ДИПЛОМУ

Фамилия, имя, отчество
Борисов Андрей Сергеевич

Дата рождения 20 августа 1981 г.

Предыдущий документ об образовании
аттестат о среднем общем образовании, выданный в 1998 году
Вступительные испытания прошел

Поступил(а) в
1998 году в Воронежский государственный университет

Завершил(а) обучение в
2003 году в Воронежском государственном университете

Нормативный период обучения по очной форме 5 лет

Направление/специальность
Юриспруденция

Специализация государственное право

Курсовые работы:

Практика:
Учебная практика, 4 недели, зачтено
Производственная практика, 17 недель, отлично

Итоговые государственные экзамены:
Теория государства и права, отлично
Государственное право, отлично

Выполнение и защита выпускной квалификационной работы
на тему:
17 недель, отлично

Данный диплом дает право профессиональной деятельности в соответствии с уровнем образования и квалификацией.

За время обучения сдал(а) зачеты, промежуточные и итоговые экзамены по следующим дисциплинам:

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**Certificate of Participation**

This is to certify that

participated in Volga Region Russian-American Seminar “Teaching Legal English”

4-6 December, 2003

Saratov

Dr. Bridget Gersten, United States Embassy
Dr. Sergei Khignyak, Saratov State Law Academy
Dr. Charles Hall, University of Memphis
ФЕДЕРАЛЬНОЕ АГЕНТСТВО ПО ОБРАЗОВАНИЮ

ГОСУДАРСТВЕННОЕ ОБРАЗОВАТЕЛЬНОЕ УЧРЕЖДЕНИЕ ВЫСШЕГО ПРОФЕССИОНАЛЬНОГО ОБРАЗОВАНИЯ “ВОРОНЕЖСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ” (ГОУ ВПО ВГУ)

СВИДЕТЕЛЬСТВО

Выдано

__________________________________________________________  ____________________________________________________________

в том, что он ___ в период c 20 __ г. по 20 ___ прошел (прошла) обучение по учебной программе «Практический курс японского языка» на кафедре теории перевода и межкультурной коммуникации факультета романо-германской филологии Воронежского государственного университета.

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Ректор Воронежского государственного университета В.Т.Титов

Заведующий кафедрой теории перевода и межкультурной коммуникации В.Б.Кашкин

М.П.

г.Воронеж, «___» ________ ________ г.

ТЕКСТ 44

General Power of Attorney

KNOW ALL PERSONS by these presents that Glory International Inc., a company registered in the Commonwealth of the Bahamas (hereinafter called «the Company»), has made, named, constituted and appointed:

Attorney-in-fact Mr. George Brown

to be the company's attorney with Power of Attorney. This attorney can by a single signature do and execute on behalf of the company in all parts of the world all or any of the acts and things following namely:
A. To open, operate and close any current deposit or other bank accounts, to draw, endorse and sign checks, to deposit any money in the name of the Company, and to withdraw the same or any money deposited in the name of the company from time to time and generally to undertake any other banking transaction on behalf of the company;

B. To enter into any arrangements with any government or authorities (supreme, municipal, local or otherwise) or any corporations, companies or persons, and to obtain from such governments, authorities, corporations, companies or persons any charges, contracts, decrees, grants, licenses, leases, rights, privileges and concessions which the said Attorney may think desirable in the interest of the company; to register joint ventures or open representatives offices;

C. To purchase or otherwise acquire, and to sell, exchange, lease, dispose of and deal with chattels and real personal properties and rights of all kind;

D. To borrow money and to execute, and deliver negotiable or non-negotiable notes therefor with or without security; and to loan money and receive negotiable or non-negotiable notes therefor with such security as he/she shall deem proper. To pledge, encumber, or hypothecate personal property goods to secure payment of a note or performance of any obligation or agreement;

E. To demand and receive from all persons, firms, companies, or other bodies, indebted to the Company all debts and other sums of money now or at any time, hereafter owing from them, and to give time for payment of any debt or part thereof, and upon failure to pay any such debts, to institute and prosecute any legal or any other proceeding authorized by law for obtaining payment of the same, which may seem proper or expedient to the said Attorney;

F. To sign, seal, make and execute all such contracts, deeds, agreements and documents as shall be necessary or expedient;

G. Generally, to act as agent for the company and to execute and perform on behalf of the Company as lawful and reasonable acts as fully and effectual to all intents and purposes as the Company might or could do;

H. To delegate and transfer rights according to this power in part or in whole, to any third person;

I. The company's attorney promises to indemnify the directors of the company in respect to all costs, charges, expenses, and damages which they may sustain in relation thereto;

The Company hereby further and fully ratifies and confirms all and whatsoever the said Attorney shall legally do, or case to be done by virtue of these presents.

IN WITNESS WHEREOF, the Company has caused this General Power of Attorney to be signed this Third (3) day of January 2001. This power of Attorney shall be valid for one year only since the date posted to this document.
Commonwealth of the Bahamas  
The International Business Companies Act  
(No. 2 of 1990)  

CERTIFICATE OF INCORPORATION  

Star Enterprise Inc.  

I, Shane Stuart, Registrar General of the Commonwealth of the Bahamas Do Herby Certify pursuant to the International Business Companies Act (No. 2 of 1990) that all the requirements of the said Act in respect of incorporation have been satisfied, and that  

Star Enterprise Inc.  
is incorporated in the Commonwealth of the Bahamas as an International Business Company this 16th day of October 1996  

Given under my hand and seal  
at Nassau in the Commonwealth of the Bahamas  

Registrar General  

COMMONWEALTH OF THE BAHAMAS  
THE INTERNATIONAL BUSINESS COMPANIES ACT 1989  

CERTIFICATE OF GOOD STANDING  

No. 345 Star Enterprise Inc.  

I, James Beverick, Registrar General of the Commonwealth of the Bahamas DO HEREBY CERTIFY:  

1. The above Company was duly incorporated under the provision of the International Business Companies Act 1989 on the 14TH day of DECEMBER, 1995 of the Register of International Business Companies.
2. The name of the Company is still on the Register of the International Business Companies and the Company has paid all fees, license fees and penalties due and payable under the provisions of Sections 102 and 103 of the said Act.

3. The Company has not submitted to me Articles of Merger or Consolidation that have not yet been effective.

4. The Company has not submitted to me Articles of Arrangement that has not yet become effective.

5. The Company is not in the process of being wound up and dissolved.

6. No proceedings have been instituted to strike the name of the Company off the said Register.

7. In so far as is evidenced by the documents filed with me the Company is in good legal standing.

Given under my hand and seal at Nassau in the Commonwealth of the Bahamas this 11TH day of APRIL, 1999

............................................................
REGISTRAR GENERAL

TEXT 47

ARTICLES OF INCORPORATION OF
STAR ENTERPRISE INC

The undersigned, an individual, does hereby act as incorporator in adopting the following Articles of Incorporation for the purpose of organizing a business corporation, pursuant to the provisions of the Business Corporation Act of the State of Nebraska.

FIRST: The corporate name for the corporation (hereinafter called the “Corporation”) is Star Enterprise Inc.
SECOND: The number of shares the corporation is authorized to issue is 1,000 (one thousand) shares with a par value of $1,00 (one dollar) per share.

THIRD: The street address of the initial registered office of the corporation in the State of Nebraska is……
   The name of the initial registered agent of the corporation at the said registered office is…..

FOURTH: The name and the address of the incorporator are…

FIFTH: The purposes for which the corporation is organized are as follows:
   To engage in any lawful business.

SIXTH: The personal liability of the directors of the corporation is hereby eliminated to the fullest extent permitted by the provisions of the Business Corporation Act of the State of Nebraska, as the same may be amended and supplemented.

SEVENTH: The duration of the corporation shall be perpetual.

Signed on February 6, 2000.

Memorandum of Association

1. The name of the Company is …….
2. The registered office of the Company will be situated at ……..
3. The registered agent of the Company will be Antonia R. Thompson an Attorney-at-Law whose address is …….
4. The objects for which the Company is established are:
   (1)To deal with, acquire, hold, convey, sell, transfer, exchange, trade and invest in and/or assign all property, real or personal, and rights of all kinds, including stocks, bonds, securities, commodities, shares, CD's, precious metals and real estate.
   (2)To open and maintain banking accounts in any currency and to carry on business with banks in any part of the world.
   (3)To carry on any kind of manufacture and/or trade, and to provide any kind of service as the Company thinks fit.
   (4)To engage in any other business or businesses whatsoever, or in any act or activity, which is not prohibited under any law for the time be-
ing in force in the Commonwealth of The Bahamas.

(5) To do all such other things as are incidental to or which the Company may think conducive to the attainment of all or any of the above objects.

And it is hereby declared that the intention is that each of the objects specified in each paragraph of this clause shall, except where otherwise expressed in such paragraph, be an independent main object and be in no wise limited or restricted by reference to or inference from the terms of any other paragraph or the name of the Company.

5. The Company has no power to:

(1) carry on business with a person resident in The Bahamas as so treated by the Controller of Exchange by directions given under regulation 41 (2) of the Exchange Control Regulations, but does not include a company incorporated under the Act;
(2) own an interest in real property situated in The Bahamas other than a lease of property for use as an office from which to communicate with members or where books and records of the Company are prepared or maintained;
(3) carry on banking business or trust business;
(4) carry on business as an insurance or a reinsurance company; or
(5) carry on the business of providing the registered office for companies.

6. The shares in the Company shall be issued in the currency of the United States of America.

7. The authorized capital of the Company is Five Thousand ($5,000.00) dollars in the currency of the United States of America divided into Five thousand (5,000) shares of U.S. $1.00 each with one vote for each share. The directors shall by resolution or the members shall by unanimous shareholder agreement determine, at their discretion, and from time to time, how many shares thereof are to be issued as registered shares and how many shares thereof are to be issued as bearer shares.

8. The shares shall be divided into such number of classes and series as the directors, or the members by unanimous shareholder agreement shall from time to time determine and until so divided shall comprise one class and series.

9. The directors or the members by unanimous shareholder agreement shall by resolution have the power to issue any class or series of shares that the Company is authorized to issue in its capital, original or increased, with or subject to any designations, powers, preferences, rights, qualifications, limitations and restrictions.

10. Where shares are issued to bearer, the bearer, identified for this purpose by the number of the share certificate, shall be requested to give to the Company the name and address of an agent or attorney for service of any notice,
information or written statement required to be given to members, and service upon such agent or attorney shall constitute service upon the bearer of such shares. In the absence of such name and address being given, it shall be sufficient for purposes of service for the Company to publish the notice, information, or written statement in a newspaper circulated in the Commonwealth of The Bahamas and in a newspaper in the place where the Company has its principal office if other than The Bahamas.

11. Registered shares may be exchanged for shares issued to bearer and shares issued to bearer may be exchanged for registered shares as may be determined by a resolution of directors or the members by unanimous shareholder agreement.

12. The Company shall by resolution of members or of the directors or by unanimous shareholder agreement have the power to amend or modify any of the conditions contained in this Memorandum of Association and to increase or reduce the authorized capital of the Company in any way which may be permitted by law.

13. The liability of the members is limited to the amount, if any, unpaid on the shares respectively held by them.

We, Brenda Cox of Nassau, Bahamas and Yvette Blackwell also of Nassau, Bahamas, Subscribers, are desirous of being formed into an International Business Company under the laws of the Commonwealth of The Bahamas and in pursuance thereof hereby subscribe our names to this Memorandum of Association this 15th day of October A.D., 1996, in the presence of a witness.

ТЕХТ 49

Устав Общества с Ограниченной Ответственностью
«СиЭмСи Трейд»

Москва 2003 год

Статья 1. Создание Общества
1.1. Общество с ограниченной ответственностью «СиЭмСи ТРЕЙД» (далее – «Общество») создано в соответствии с Гражданским кодексом Российской Федерации, федеральным законом от 08.02.98 г. № 14-ФЗ "Об обществах с ограниченной ответственностью" и иными федеральными законами.

1.2. Положения федерального закона «Об обществах с ограниченной ответственностью» распространяются на общества с одним участником постольку, поскольку иное не предусмотрено указанным федеральным законом и поскольку это не противоречит существу рассматриваемых отношений.

Статья 2. Участники Общества
2.1. Учредителем Общества является частная / закрытая акционерная компания с ограниченной ответственностью "СиЭмСи", созданная по за-
конодательству Англии с местом нахождения по адресу ___, зарегистрированная 24 апреля 1995 года в Торговом реестре ___, регистрационный номер 56640.

2.2. Число участников Общества не должно быть более пятидесяти. В (том) случае если число участников Общества превысит указанный предел, Общество в течение года должно преобразоваться в открытое акционерное общество или в производственный кооператив.

Статья 3. Цель создания и виды деятельности Общества
3.1. Основной целью создания Общества является осуществление коммерческой деятельности для извлечения прибыли.
3.2. Основными видами деятельности Общества являются: покупка и продажа продуктов питания для детей; любые виды деятельности, относящиеся к основной деятельности, включая среди прочего импорт товаров, упаковку товаров, хранение и транспортировку, маркетинг и рекламу товаров и услуг, консультирование.

Статья 4. Правовое положение Общества
4.1 Общество обладает правами юридического лица с момента его государственной регистрации и имеет круглую печать с указанием своего полного фирменного наименования на русском языке и его местонахождения.
4.2 Печать Общества содержит также фирменное наименование Общества на английском языке.

Общество вправе иметь штампы и бланки со своим фирменным наименованием, собственную эмблему, а также зарегистрированный в установленном порядке товарный знак и другие средства индивидуализации.
4.3 Общество имеет право осуществлять любые виды деятельности, не запрещенные действующим законодательством Российской Федерации, включая виды деятельности, предусмотренные ст. 4 настоящего Устава, и при этом Общество несет гражданско-правовую ответственность за свои действия.

Статья 5. Филиалы и представительства Общества
5.1 Общество может создавать филиалы и открывать представительства с соблюдением действующего законодательства Российской Федерации, а за пределами территории Российской Федерации также в соответствии с законодательством иностранного государства, на территории которого создаются филиалы или открываются представительства, если иное не предусмотрено международными договорами Российской Федерации.

TEXT 50

Theme II. Third Evaluation Round / Evaluation Report on Finland on Transparency of Party Funding (Theme II) Adopted by GRECO at its 35th Plenary Meeting (Strasbourg, 3-7 December 2007)
Theme II – Transparency of party funding: Articles 11, 12, 13b, 14 and 16 of Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns, and – more generally – Guiding Principle 15 (financing of political parties and election campaigns).

II. TRANSPARENCY OF PARTY FUNDING - GENERAL PART

Definitions
In Finland, political parties have existed for over a century; they were legally recognized in the 1969 Act on Political Parties, which gave them a privileged status in elections and in the allocation of public funds.

A political party is defined as a registered association recorded in the Party Register; it has a non-profitable character and its main purpose is to influence state matters (Sections 1 and 2, Act on Political Parties).

Political parties acquire legal personality following their registration as an association in the Register of Associations. They may obtain rights, make commitments and appear as a party before courts and in relation to other authorities. In principle, the members of a registered association are not personally liable for the association’s obligations (Section 6, Association Act). However, pursuant to Section 39 of the Association Act, a member of the executive board, as well as the agent of the association is liable for any intentional or negligent damage that s/he may have caused to the association, a member of the association or a third-party when such damage was caused by an act against the Association Act or the internal rules of the association.

Registration of political parties
The registration of political parties in the Party Register is the responsibility of the Ministry of Justice. A political party seeking registration has to fulfil several conditions: (1) demonstrate that its main objective is to influence state matters; (2) show signed support cards from at least 5,000 eligible voters; (3) its internal rules are to guarantee that democratic principles are abided by in its decision-making and activities; and (4) it must have a draft party programme, including goals and principles for future action (Section 2, Act on Political Parties).

The Party Register contains the following information: an extract from the Register of Associations (including inter alia: name, registration number and domicile of the association; full name, address, residence of the chairperson and any person authorized to sign for the association), a certified copy of the internal rules and regulations of the association, the party programme and a list of citizens supporting the party (Section 3, Act on Political Parties). The information contained in the Party Register is publicly accessible in accordance with the Act on the Openness of Government Activities (621/1999).
Changes in party rules and political programmes are not enforced before their formal acceptance and registration in the Party Register. A political party, which fails to gain seats in two consecutive parliamentary elections is de-registered, but may apply anew. A political party may also apply for its deletion from the Party Register.

Only the central organization of a party is registered in the Party Register; party branches, municipal organizations, and sub-national organizations are registered in the Register of Associations, which is held by the National Board of Patents and Registration, which is under the authority of the Ministry of Trade and Industry.

At present, there are 11 registered political parties in Finland: The Finnish Social Democratic Party, Centre Party of Finland, National Coalition Party, Swedish People's Party in Finland, Christian Democrats in Finland, Green League, Left-Wing Alliance, True Finns, Communist Party of Finland, Party for Senior Citizens, and For Peace and Socialism.

**Party representation in Parliament**

Finland has a unicameral Parliament with 200 seats. Following the 2007 parliamentary elections, 8 out of the total number of registered parties are represented in Parliament as follows: Centre Party (KESK) – 51 seats, National Coalition Party (KOK) – 50 seats, Finnish Social Democratic Party (SDP) – 45 seats, Left-Wing Alliance (VAS) – 17 seats, Green League (VIHR) – 15 seats, Swedish People’s Party in Finland (SFP) – 9 seats, Christian Democrats in Finland (KD) – 7 seats, True Finns (PS) – 5 seats.

In addition, one seat in Parliament is always held by a representative from the Åland Islands (Section 25 of the Constitution).

**Participation in elections**

The right to candidacy is granted to eligible voters, except for individuals under guardianship and professional soldiers. The positions of the Chancellor of Justice, the Parliamentary Ombudsman, the judges of the Supreme Court or Supreme Administrative Court, and the Prosecutor General are incompatible with candidacy.

According to the Constitution (731/1999), candidates may be nominated by (a) political parties entered in the Party Register; and (b) “constituency associations“. For parliamentary (national and European) and presidential elections, candidates are almost invariably nominated by a political party, with the sole exception of the province of Åland where candidates are always nominated by constituency associations. For municipal elections, constituency associations continue to play a role.

In parliamentary elections, a party or constituency association is to submit its list of candidates (candidate application) to the District Election Committee (DEC) of the area where the candidates are to be nominated no later than 40
days before the day of the elections. The same deadline applies to notices of electoral alliances or joint lists. The relevant DEC checks whether the list of candidates fulfills the legal requirements, in particular those referred to eligibility, and confirms the nomination of candidates no later than 31 days before the day of the elections. Additionally, DECs compile combined lists of candidates including data concerning name, municipality of residence and title, profession or position. The combined lists of candidates are displayed in the polling booths.

Elections are direct, secret and proportional (d'Hondt system). Electoral lists are open (the election of candidates from the party list is not predetermined, but depends entirely on the number of individual votes cast for each candidate), and electors cast a ballot for a particular candidate in a list rather than for a party. As a result, the Finnish system is strongly candidate centred.

There is no election threshold. However, as many electoral districts have lost population in recent decades, some now elect as few as six representatives, which in turn creates a “hidden election threshold“ in those districts, favouring major parties. Moreover, as the d'Hondt formula of allocating seats favours large parties, small parties may form electoral alliances and constituency associations may form joint lists to accrue their chances of being elected.

The Ministry of Justice acts as the supreme electoral authority. At local level it is supported by 15 District Election Committees and 416 Municipal Election Committees.

TEXT 51

**Distinctions between Public Administration and Private Action**

Activities such as traffic control, fire-protection services, policing, smoke abatement, the construction or repair of highways, the provision of currency, town and country planning, and the collection of customs and excise duties are usually carried out by governments, whose executive organs are assumed to represent the collective will of the community and to be acting for the common good. It is for this reason that they are given powers not normally conferred on private persons. They may be authorized to infringe citizens' property rights and restrict their freedom of action in many different ways, ranging from the quarantining of infectious persons to the instituting of criminal proceedings for non-payment of taxes. Again, a public authority involved in slum clearance or housing construction tends to be in a much stronger legal position than a private developer.

The result of the distinction between public administration and private action is that administrative law is quite different from private law regulating the actions, interests and obligations of private persons. Civil servants do not generally serve under a contract of employment but have a special status. Taxes are
not debts, nor are they governed by the law relating to the recovery of debts by private persons. In addition, relations between one executive organ and another, and between an executive organ and the public, are usually regulated by compulsory or permissive powers conferred upon the executive organs by the legislature.

The law regulating the internal aspects of administration (e.g., relations between the government and its officials, a local authority and its committees, or a central department and a local authority) differs from that covering external relations (those between the administration and private persons or interests). In practice, internal and external aspects are often linked, and legal provisions of both kinds exist side by side in the same statute. Thus, a law dealing with education may modify the administrative organization of the education service and also regulate the relations between parents and the school authorities.

Another distinction exists between a command addressed by legislation to the citizen, requiring him to act or to refrain from acting in a certain way, and a direction addressed to the administrative authorities. When an administrative act takes the form of an unconditional command addressed to the citizen, a fine or penalty is usually attached for failure to comply. In some countries the enforcement is entrusted to the criminal courts, which can review the administrative act; in others the administrative act itself must be challenged in an administrative court.