

Secondary Plus



CRIME AND PUNISHMENT

TASK 3

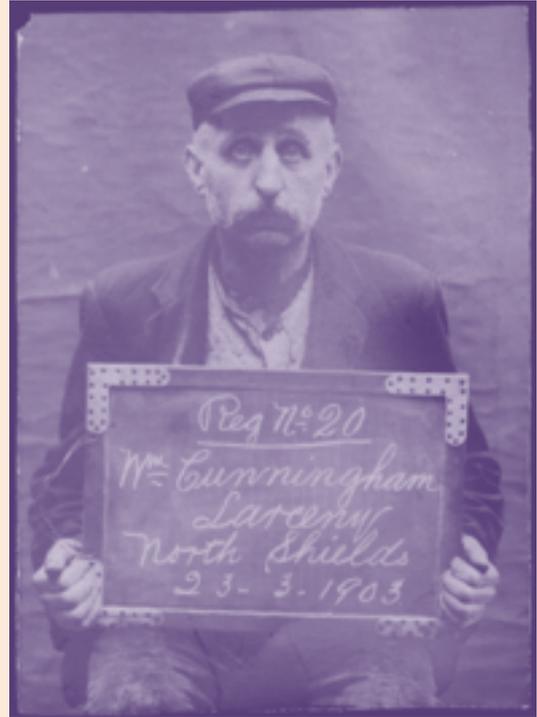
LEARNING OBJECTIVES

You are going to:

- **discuss** a range of punishments and **express** your opinion on their effectiveness
- **look at** some hypothetical cases and **decide on** a verdict
- **read about** a ‘crime of passion’ and **identify** some advanced level language

TASK: role play a mock trial and **give** a persuasive speech

MATCHING

Community Service	You have to stay out of trouble. Once a week you visit an officer who asks about your behaviour	 <p>https://commons.wikimedia.org/wiki/File:William_Cunningham_(16298558346).jpg</p>
Fines	You don't go to prison immediately and if you behave well for a set period you are free	
Probation	You have to do a period of unpaid work in e.g. hospitals or care homes	
Suspended Sentence	You are incarcerated for a fixed period	
Prison	You pay money to the court	

DISCUSSION

Read about this hypothetical case:

- Who is **liable**?
- What **punishment** would be appropriate?

A multinational soft drinks company organised a promotion lottery in which tops of bottles were stamped with numbers, some of which would enable the lucky owner to collect a prize equivalent to 40,000 dollars. However, the computer had wrongly generated 800,000 of these numbers. They explained that they didn't have the 32 billion dollars needed to pay all the claimants, and so merely offered the losers their apologies. When the fact was announced by the company there were violent protests in which one five-year-old girl was killed.



https://commons.wikimedia.org/wiki/File:Riot_Squad_poster.jpg

DISCUSSION

- Who is **liable**?
- What **punishment** would be appropriate?
- In groups, can you come to a **consensus**?

1. A woman shot in the knee by an unarmed man who had broken into her home. He later spent six months in hospital as a result of the injury and is still unable to walk.

2. A man drove through traffic lights on red and killed two people. He was taking his pregnant wife to hospital - she actually delivered the baby whilst still in the car.

3. A private art collector received items stolen by grave robbers who had been stealing from 3000 year old tombs at an archaeological site. The robbers are also in court for having destroyed many pottery artefacts during the raid.

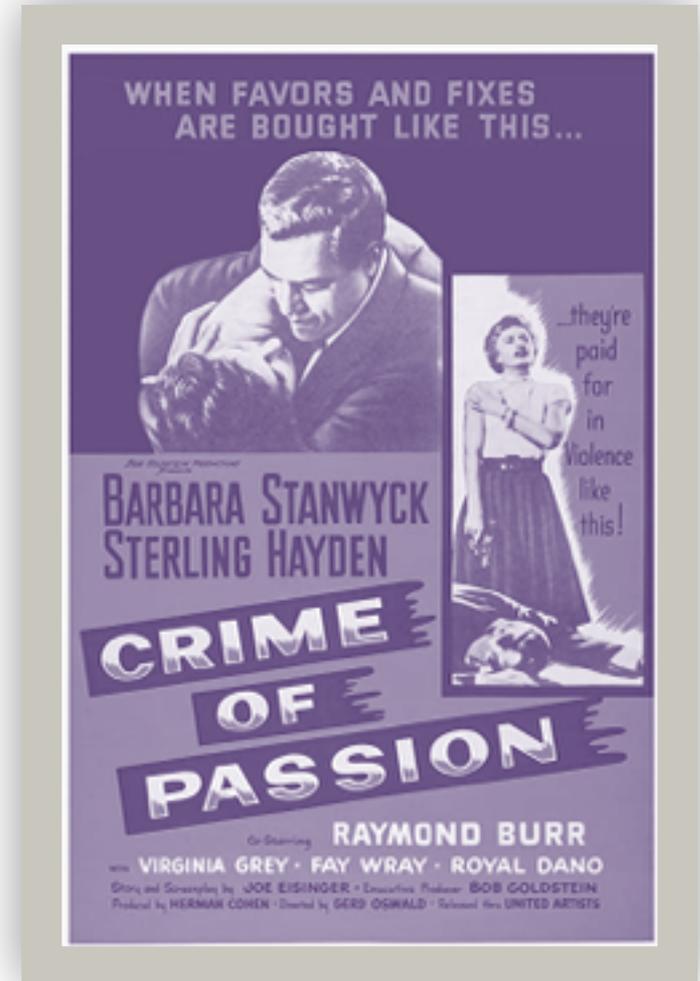
4. A preacher predicted that the world was going to end in three months. He accepted millions of dollars in donations from believers who had sold their homes, abandoned their families and quit their jobs to prepare for the second coming of Christ. At least four followers took their own lives.



<https://www.flickr.com/photos/taffeta/6834318354>

WHAT IS A CRIME OF PASSION?

A crime of passion, or crime passionnel (from French), in popular usage, refers to a violent crime, especially murder, in which the perpetrator commits the act against someone because of a sudden strong impulse such as sudden rage rather than as a premeditated crime. The defence in the crime of passion challenges the [mens rea](#) (Law Latin for 'guilty mind') element by arguing that there was no malice aforethought and instead the crime was committed in the "heat of passion" and lowers the charge to manslaughter or second degree murder from first degree murder. Examples include an aggressive pub-goer who assaults another guest following an argument, or a wife who discovers her husband has engaged in adultery and attacks or kills him and/or his mistress. (Wikipedia.com)



A CRIME OF PASSION?

Reaching a verdict can be an extremely difficult and complicated process, and juries sometimes have to balance a sense of justice against knowledge of the law. Take the case of Stephen Owen, whose 12-year-old son Darren was killed after being knocked off his bicycle and crushed by a lorry. Mr Taylor, the lorry driver, left the scene at speed. ***He neither stopped for an instant nor did he report the accident.*** The police tracked him down, only to discover that he had never had a driving licence. Mr Taylor showed no remorse for what he had done, which greatly distressed the family. He was sentenced to 18 months in prison for reckless driving but served only twelve months. ***So distressed was Stephen Owen that he could not get over the death of his son.*** He was shaken by how quickly Taylor had been released from prison. When he discovered that Taylor had not stopped driving after his release, he wrote a letter to the Queen to ensure that the ban was enforced. Owen let the event take over his life entirely, becoming unable to lead a normal existence. ***Such was his anguish that he traced Taylor to his home in Kent, and confronted him in the street.*** With a sawn-off shotgun, he fired twice at Taylor at point blank range, hitting him in the back and his common-law wife, Alison Barratt, in the arm. They survived but Owen was charged with attempted murder. At his trial, the prosecution said that his shooting of Taylor had been pre-meditated, but Owen claimed to have fired the gun in a moment of near insanity. At the end of the trial, the judge told the jury: 'Any parent must feel sympathy, understanding and compassion for a father or mother who receives a phone call only to hear of the death of a child.' But he warned the jury not to be swayed by understandable sympathy for Owen and advised them to concentrate on whether Owen had any intent to kill at the time of shooting, regardless of what had happened beforehand. ***Nor could they be influenced by the media portrayal of the story.***

LANGUAGE

Reaching a verdict can be an extremely difficult and complicated process, and juries sometimes have to balance a sense of justice against knowledge of the law. Take the case of Stephen Owen, whose 12-year-old son Darren was killed after being knocked off his bicycle and crushed by a lorry. Mr Taylor, the lorry driver, left the scene at speed. **(a.)** The police tracked him down, only to discover that he had never had a driving licence. Mr Taylor showed no remorse for what he had done, which greatly distressed the family. He was sentenced to 18 months in prison for reckless driving but served only twelve months. **(b.)** He was shaken by how quickly Taylor had been released from prison. When he discovered that Taylor had not stopped driving after his release, he wrote a letter to the Queen to ensure that the ban was enforced. Owen let the event take over his life entirely, becoming unable to lead a normal existence. **(c.)** With a sawn-off shotgun, he fired twice at Taylor at point blank range, hitting him in the back and his common-law wife, Alison Barratt, in the arm. They survived but Owen was charged with attempted murder. At his trial, the prosecution said that his shooting of Taylor had been pre-meditated, but Owen claimed to have fired the gun in a moment of near insanity. At the end of the trial, the judge told the jury: 'Any parent must feel sympathy, understanding and compassion for a father or mother who receives a phone call only to hear of the death of a child.' But he warned the jury not to be swayed by understandable sympathy for Owen and advised them to concentrate on whether Owen had any intent to kill at the time of shooting, regardless of what had happened beforehand. **(d.)**

1. *Such was his anguish that he traced Taylor to his home in Kent, and confronted him in the street.*
2. *Nor could they be influenced by the media portrayal of the story.*
3. *He neither stopped for an instant nor did he report the accident.*
4. *So distressed was Stephen Owen that he could not get over the death of his son*

INVERSION

Can you identify the ‘trigger word’ in each of the sentences?

1. Such was his anguish that he traced Taylor to his home in Kent, and confronted him in the street.
2. Nor could they be influenced by the media portrayal of the story.
3. He neither stopped for an instant nor did he report the accident.
4. So distressed was Stephen Owen that he could not get over the death of his son.

TASK

You are going to **role play** a courtroom scene involving the case we have read about.

In groups of four, one pair will represent the **Prosecution** and the other will be the **Defence**.

1. Look at your **role cards** for ideas and **prepare** your speeches.
2. Take it in turns to **deliver** your **speeches**.
3. As a group, try to reach a **consensus** as to which side was the **most persuasive**.
4. Read the **real verdict** – do you agree? Are you surprised?

SUCCESS CRITERIA

- ✓ **Plan** your speech using a **clear** and **coherent** structure
- ✓ **Rehearse** your speech so that you can look up whilst speaking to **engage** your audience
- ✓ Try to use a range of **persuasive language**
- ✓ Think about **varying** your **intonation** and using **word stress** to **emphasise** your key points
- ✓ Speak for **approximately** 3-5 minutes per pair
- ✓ Ensure that everyone **participates equally**

REFLECT

Use the questions to help you **reflect** on your **progress** in this task;

Share your reflections with the class.

- What did you **enjoy** most about this task?
- Whose speech did you find **most persuasive**? Why?
- Is there anything you found **challenging**?
- If you were to do this task **again**, what would you do **differently**?
- Going forward, how could you get **better** at / feel **more confident** when **giving speeches**?