

**EXERCISE: BT 9**

Module:	Transfer Skills
Type of Exercise:	Simultaneous interpreting; text of monologue for recording
Topic:	Charge and indictment, Magistrates' Court
Learning Outcome(s):	On completion of this exercise, trainees will be able to: <ul style="list-style-type: none"><li>• deliver a simultaneous interpretation of 4 minutes (approx) of legal discourse</li><li>• identify and process legalese</li><li>• manage specialised terminology and phraseology.</li></ul>
Language (Combination):	English/Other language
Equipment:	Language laboratory, digital or analogue recording and playback equipment
Time:	Monologue: 4 minutes (approx); full exercise: 30 minutes
Suitable for:	Intermediate/Advanced
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Notes:	This text can be used for a number of training purposes in addition to simultaneous interpreting practice. Consider using it as the basis for a gap-fill exercise, terminology processing, or as a reading comprehension. Some suggested follow-up exercises are included at the end of this template and the text could be used as the basis for more of your own design.

This text links with exercise BT 1 (Defence statement exercise).

*Any resemblances to persons living or dead or to real cases are coincidental. Please note the laws and offences mentioned, although based on reality, are fictional.*

## SAMPLE CHARGE AND INDICTMENT

Mr. Weston, **you are charged with two counts** of Aggravated Criminal Damage and one count of Racial Abuse. It is stated that on the 22<sup>nd</sup> of September of this year, at 22 Welsh Walls Road in Gobowen, **you did without lawful excuse** write graffiti on the wall of the A.J.'s News and Convenience Store causing damage to the said wall in the amount of £180 **contrary to Section 18 of the Criminal Damage Act 1988**. It is also stated that on the same day, at the same place, you did **without lawful excuse** cause damage to a plate glass window at the same premises **in the amount of £205**, also contrary to the Criminal Damage Act 1988.

It is also charged that on the 22<sup>nd</sup> of September of this year, you did **without lawful excuse** cause graffiti to be written on the walls of the house at 24 Welsh Walls Road, belonging to Mr. Shaheed Malik, the owner of the aforementioned A.J.'s News and Convenience Store, **so as to cause disturbance, distress and alarm** to Mr Malik. It is also charged that later, on the same day, in the company of your girlfriend Miss Shona West, you exhibited a sign outside the entrance to the Gobowen C of E Primary School in such a way as to cause distress and alarm to the persons entering that premises, **contrary to section 12 of the Racially Aggravated Abuse Act 1997**.

Now, before we proceed to **Plea before Venue**, I must tell you that all of these offences can be tried either here before the Magistrates or before a Jury in the Crown Court. In the event that you plead 'not guilty' to any or all of these offences, a decision on whether this case should be **committed for trial at the Crown Court** will be taken later by the Magistrates' Bench. Your solicitor will also have informed you that you may indicate a preference yourself. If you choose to plead guilty in this court, if the Magistrates decide that they do not have sufficient powers to punish you for the offences committed, they may still transfer your case to the Crown Court for sentence.

I must ask you now to indicate your pleas. To the charge of Aggravated Criminal Damage to a wall, how do you plead?

*Guilty*

To the charge of Aggravated Criminal Damage to a plate glass window, how do you plead?

*Guilty*

And to the charge of Racially Aggravated Abuse, how do you plead?

*Guilty*

Your worships, the defendant has pleaded guilty to all three counts.

*Crown Prosecution Service*

I will now explain the details of the offences.

It is stated that on the 22<sup>nd</sup> of September of this year at around 20.30, the defendant, in the company of his girl friend Miss West, entered the A.J.'s News and Convenience Store to purchase a bottle of milk. There was a dispute of some sort over the change tendered by the shop owner, Mr. Malik, for the item purchased by Mr Weston. At this point, the defendant tried to grab Mr. Malik by the neck over the counter of the shop but, on failing to do so, he punched a glass pane to the left side of the till with his fist in a single blow, causing it to break. The defendant then left the store, shouting angrily that he would "get the cheating bastard", referring to the owner Mr. Malik. That night, it is alleged that the defendant returned to the premises, now closed, belonging to Mr. Malik and spray painted the words 'Paki's Go Home' and underneath this the words 'Blacks Fuck Off Out of Our Country' in large green letters onto the wall of the shop.

It is further stated that in the small hours of the following day at around 05.00, the defendant, again in the company of his girlfriend Miss West, exhibited a piece of A3 size paper on a lamp post directly outside of the Gobowen C of E Primary School in such a way as to be in clear view of any persons entering the school premises. The paper carried a drawing of a man hanging by the neck by a piece of rope from a tree and underneath the words, written in black felt pen, "Blacks Fuck Off Home". Underneath this, in a different pen, was written "Klu Klux KLAN". This sign was fully in view at 08.30 later that morning as the children arrived for school and was torn down by some parents delivering their children to the school and given to the Head Teacher, who called the Police.

When Mr. Weston was arrested later that day at his home in Gobowen he initially denied any knowledge of the incidents or the racist graffiti but later, in the Police Station, he admitted during questioning that he had broken the window at the convenience store, that he had written the graffiti on the walls of the store and that he had drawn and exhibited the sign outside the Primary School. He went on to state that he had been drinking heavily that night and had continued to do so at home into the small hours of the following day, the 23<sup>rd</sup>. He stated that at around 03.00 in the morning he went round to Miss Shona West's house and asked her to give him the pad of A3 size drawing paper that he had left there some days before. He used this to make the sign that he exhibited outside the Primary School gates. He states that he is not a racist and that he is ashamed of what he did.

The Prosecution will be applying for costs in the sum of £45 for each of the three offences making a total of £135 and shall further request that an order be made for compensation to Mr. Malik for the damage caused to his premises in the sum of £385. This was the cost of the repairs. Your Worships, that is the case for the Prosecution.

## **FOLLOW-UP EXERCISES**

1. Read the text of the charge and indictment. Find terms and phrases in the text that mean the following:
  - a. Two criminal charges
  - b. Without legal or moral justification
  - c. To upset, disturb or negatively affect
  - d. To give your answer to the allegations
  - e. To be sent for trial at a higher court
  
2. Listen to the text again. If your interpretation fails at a particular point, stop the recording and make a written note of where your interpretation failed. Now analyse why your interpretation failed at that point. Was it one or more of the following factors:
  - a. Unfamiliar terminology

- b. Inability to understand the source text
- c. Unfamiliar clause structure or grammatical form
- d. Other external interference?

Having identified the cause of the failure of interpretation, consider strategies for overcoming this challenge. Discuss with your fellow trainees and/or refer to your trainer for suggestions.