



22 de xuño de 2024

ORDE do 31 de xaneiro de 2024 (DOG 14/02/2024)

Procedemento selectivo de ingreso
ao corpo de profesorado de escolas oficiais de idiomas

Código 592. Especialidade 011 inglés

APELIDOS E NOME:

PRIMEIRA PROBA - PARTE A

AUDICIÓN

Inclúe SOLUCIONARIO e TRANSCRIPT

Indicacións xerais:

- Empregue un bolígrafo con tinta azul indeleble.
- Pode usar papel de borrador
- A resposta final da Tarefa 1 deberá ir no ANSWER GRID. A resposta final da Tarefa 2 deberá ir na caixa indicada.
- Non empregue cintas ou fluídos correctores; de necesitar anular algunha parte do escrito, abondará cun X ou cunha liña sobre o escrito.
- Escoitará un sinal acústico inmediatamente antes de cada unha das DÚAS ESCOITAS.
- Disporá de 5 minutos para ler toda a proba antes de escoitar.

LISTENING COMPREHENSION - You are going to listen to a legal commentary by The Invictus Law Firm about criminal defense law. **There are two tasks.** You will hear the recording twice.

TASK 1

Read the notes below and listen carefully to the recording. Then, **in BLOCK CAPITALS**, complete the missing information. Use **the exact words** which appear in the recording. **Write your answers in the answer grid.**

1. Answer: criminal cases go through a _____ process before defendant faces charges in court. **(1 word)**
2. An amazing article came out, I think it was late last week, on the state attorney here in Orlando, the Ninth _____, where Osceola County sheriff is complaining that this woman just keeps letting people go. **(2 words)**
3. If one party does something wrong and both parties are _____ you know, a lot of times, the other party, and this is not just domestic violence. **(1 word)**
4. It's that they are so more often abusing their discretion by charging people with crimes who should not have been charged with crimes. It's a _____, although it does happen, for cops to know that somebody has committed a crime. **(1 word)**
5. This is where the process starts for passing the buck, this is one of my biggest _____ with the criminal justice system, so called. **(1 word)**
6. Although it's not a win-win situation, because an innocent person is going through a _____ program to have his charges dismissed... **(1 word)**
7. The person has absolutely no intention of _____, it gets forced to trial, and the prosecutor, well, they've got a career... **(3 words)**
8. The judge will dismiss it... based on probable cause, based on emotions, press... whatever you're going to do, _____. **(3 words)**
9. It's the jury, sacred in America, sacred like the haruspex reading the _____ of a sacrificed pigeon. **(1 word)**
10. No one can ever interview them about how they came to their decision, their decision is final, it is sacred, it is a divine _____ of innocence or guilt. **(1 word)**
11. Let's, you know, refuse to exercise our discretion and put it in the next person's hands and let them exercise discretion; it's a _____ that leads to a lot of false convictions, a lot of destroyed lives. **(2 words)**



12. And Correctional Officials have discretion to assign convicted people to correctional facilities, award privileges and punish prisoners for _____ infractions. **(1 word)**

13. I'm not even going to get into in this episode, and then there's the _____ authority, you know, whether you got probation or parole after your prison sentence or in lieu of a prison sentence. **(1 word)**

14. A PO might say: "yeah, I'm not going to violate you for that, just don't do it again". But I am not telling you to _____ that; I'm telling you, you should assume that they're going to violate you for everything. **(2 words)**

15. You think they may think you are involved in a crime, tell them that you do not want to answer questions and that you want a lawyer _____ you have been given Miranda warnings. **(3 words)**



ANSWER GRID

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TASK 2

Write a summary of the recording in no more than 200 words.

Write your answer in the space below:



ANSWER KEY

1. SCREENING
2. JUDICIAL CIRCUIT
3. BICKERING
4. RARITY
5. PEEVES
6. PROSECUTORIAL
7. TAKING A PLEA
8. FILE THAT MOTION
9. ENTRAILS
10. ORACLE
11. SLIPPERY SLOPE
12. DISCIPLINARY
13. PAROLING
14. BANK ON
15. REGARDLESS OF WHETHER

TRANSCRIPT

Question: how do the police recommend the criminal charges be filed against someone?

Answer: criminal cases go through a **screening** process before defendant faces charges in court; this is a two-step process that begins with the police inquiry. The investigating officer or another officer superior to the arresting officer will review the arrest report.

That officer will determine whether there is enough evidence to recommend filing charges against the arrested person. If the officer decides not to recommend filing charges, then the police will release the arrested person. Yeah, that happens. If the officer decides to recommend that a charge be filed, a prosecutor from the District Attorney's office, or here in Florida, the state attorney's office will review the officer's recommendation based on the arrest report and any follow-up investigation, the prosecutor's office will decide whether to file charges and what criminal offences to allege.

An amazing article came out, um, I think it was late last week, on the state attorney here in Orlando, the ninth **Judicial Circuit**, where Osceola County sheriff is complaining that this woman just keeps letting people go. How could she?? These are criminals! And she's not prosecuting them!

Police have discretion on whether or how to enforce specific laws, investigate specific crimes, search people or areas, question people and arrest or detain people. So one of the things I unfortunately have to tell people quite often is that the police have discretion on whether they're going to prosecute somebody. Um, a lot of people are victims of crimes; police can't possibly charge everybody. I mean, it's already a mad house in this country, it's already a police state, um, but they will charge one party and not another; that rubs people the wrong way, too.

Police have discretion to do that, um, you know, if one party does something wrong and both parties are **bickering**, you know, a lot of times, the other party, and this is not just domestic violence. I mean, this is just people in general, you know, neighbors, you know, disputing over, uh, you know, their kid getting an orange out of the neighbor's yard or whatever the..., you know, your dog pooped in my yard, whatever it is... everybody wants to run to the police and say you need to arrest this person and the police have the discretion to say no. Hmm, that's a total waste of time, there's no evidence for this and I'm not charging that person.

Sorry! People get upset about that but... I think that's a good thing, right? The problem is when they abuse that discretion, right? And it's so dramatically obvious that it's a one-way street; it's not that they're abusing their discretion by NOT charging people with crimes. It's that they are so more often abusing their discretion by charging people with crimes who should not have been charged with crimes.

It's a **rarity**, although it does happen, for cops to know that somebody has committed a crime, and there is evidence of it, and they refuse to prosecute or send it to the state attorney's office, it does happen... but I think everybody knows that the vast majority of the time they're abusing discretion, is when they're saying: "yeah, we're going to charge you the crime anyway, I'm going to send it to the state attorney and uh, if they don't think there's a crime they'll let you go!"... you know, (this) happens on a daily, an hourly basis, you know, just, you would not

believe how often that happens, and this is where the process starts for passing the buck this is one of my biggest **peeves** with the criminal justice system, so-called...

The police have the discretion to charge or not charge. They abuse that discretion by filing charges against someone that they know they can't prove the crime or they know that there's problems with their case or whatever, but they'll send it to the state attorney or district attorney, whatever it is in your state... they'll send it anyway, and say: "well it's up to the state attorney to decide what they're going to do with the case, sorry... my obligation is done here, I wrote the arrest report, you're on your own, good luck, if you're innocent I guess they'll come out and the state attorney will dismiss your case".

Here's the problem: once that train starts, it's very hard to stop, so a state attorney will get a case and they might know full well, yep, we don't have evidence or, yep, there's problems with this case or, yep, there's a lot of red flags here that this witness is lying... this alleged victim is lying but, uh, you know, I have a boss and the boss is telling me I gotta go forward with this case, so at the very least, you know, we're just hoping that we'll pressure this guy enough that it'll take a plea or, at the very bare minimum, he'll enter into pre-trial diversion or pre-trial intervention, whatever it's called where, in your neighborhood and, that way, you know, yeah, he won't have a conviction, but I also didn't let it slide, right? Everybody wins - win-win situation, although it's not a win-win situation, because an innocent person is going through a **prosecutorial** program to have his charges dismissed, where neither the state attorney nor the police should have gone forward with these accusations... it happens more than you can imagine... and here's the problem, like I said, it's... it's hard to stop that train from moving... say, the person doesn't get in the PTI, say, the person has absolutely no intention of taking a **plea**, it gets forced to trial, and the prosecutor, well, they've got a career... they've got face to save, they can't just dismiss the case, they've got a rabid person, you know, we won't describe genders, we'll just say a rabid person, you know, at their heels, like, I want to prosecute, I want to prosecute, I want to prosecute... they can't drop the case, now they got too much to lose so they'll force it to trial, and they'll say, well, it's up to the judge to file a motion... to dismiss if there's no evidence. The judge will dismiss it, based on probable cause, based on emotions, press, whatever you're going to do, **file that motion**; get it dismissed if there's nothing here...

Otherwise, it's going to go to the jury, the judge will often use that out, too, the judge knows there's nothing here, the prosecutor knows there's nothing here, everybody in the room knows there's nothing... but they'll say, let's pass this buck on to the jury, we don't have any responsibility here, we're not the 'trier of fact'. It's the jury, sacred in America, sacred like the haruspex reading the **entrails** of a sacrificed pigeon. We give things to the jury, and we say this sacred body of august citizens, they will know what to do, they will discern the facts and know what really happened here, hmm, laughable, but everybody wants to pass the responsibility onto the next person, police pass it on to the prosecutor, the prosecutor passes on to the judge, the judge passes it on to the jury... well, the jury they have no responsibility, whatsoever, because no one can ever question them, no one can ever interview them about how they came to their decision, their decision is final, it is sacred, it is a "divine **oracle** of innocence or guilt".

So once you start that train of 'let's pass it on to the next person'... Let's, you know, refuse to exercise our discretion and put it in the next person's hands and let them exercise discretion; it's a **slippery slope** that leads to a lot of false convictions, a lot of destroyed lives, destroyed



families; so if you're a cop or a prosecutor or a judge or a prospective jury member, please take this into account in the future.

They continue with Correctional Officials and Paroling Authority. Correctional Officials have discretion to assign convicted people to correctional facilities, award privileges and punish prisoners for **disciplinary** infractions so a lot of, uh, unfortunate cases where the jail is messing with an inmate or, you know, whether it's pre-trial or post-conviction, jail personnel or prison personnel will mess with somebody, or they'll move them to the wrong facility or something goes wrong and I, you know, you often got to tell people: 'I'm sorry but that's there's nothing the trial court can do about that... that's an administrative matter now'.

Hmm, you know, something happens at the Ad Max in Colorado, it's not like you can go to the San Francisco District Court where your case came from and complain about it, like, that's now a BOP issue, you're gonna have to sue the Bureau of Prisons, so the corrections system is another beast, that, so, I'm not even going to get into in this episode, and then there's the **paroling** authority, you know, whether you got probation or parole after, uh, your prison sentence or in lieu of a prison sentence.

Not that it matters but, um, that's a different area and they exercise discretion mostly and 'did you violate your probation, the terms of your probation or not?' right? ... so somebody leaves the county or something and didn't notify or I don't know... drug... drug tests coming positive that's usually they're gonna go on that but.... there are some minor violations or technical violations that a PO might say... yeah, I'm not going to violate you for that, just don't do it again but I am not telling you to **bank on** that I'm telling you you should assume that they're going to violate you for everything so do not violate the terms of your probation no matter what, you have no idea how many VOP cases I've had where it's just some stupid misunderstanding.

You know you should have told the PO that you were going somewhere and you didn't.... or you know well I called them and I left a voicemail and I'm like... well did you leave it in an email?... is there any writing? ...nope, well then it's the PO's word against yours and the judge is almost always gonna go with the PO... now, unless you got hard evidence or a witness or something really strong, so just do the safe thing and don't violate your probation, I think that's the lesson for today.

When do I have a right to a lawyer before or during police interrogation? You have a constitutional right to counsel, the right to have a lawyer's advice before and during police interrogation. If the police are asking you questions and you think they may, uh excuse me, and you think they may think you are not, you are involved in a crime, you think they may think you are involved in a crime, tell them that you do not want to answer questions and that you want a lawyer **regardless of whether** you have been given miranda warnings.