



ESL Podcast 172 - Legal Problems

GLOSSARY

to be arrested – to be taken to jail, usually by the police, for breaking the law

* The police arrested two women for robbing a bank.

to be charged – to be blamed or held responsible for committing a crime

* He wasn't charged for the crime and the police let him go.

burglary – the act of entering a building or property without permission in order to steal

* There was a burglary in the store over the weekend and all of the money was taken.

assault – to attack someone in order to hurt them

* Those two men were fighting and one was arrested for assault.

security guard – a person hired to make sure everything and everyone stays safe and in order

* The president has security guards with him wherever he goes.

to break into – to enter a place or get access to a thing illegally

* The thieves broke into the house after everyone was asleep.

to steal – to take without permission something that belongs to someone else

* Are those children trying to steal some candy?

to be arraigned – to go to court and tell the judge if you are guilty or innocent

* She was arraigned in front of a very strict judge.

court – a government building with rooms (courtrooms) where a judge and, most of the time, a jury listen to lawyers during a trial

* The lawyers arrived in court late and the judge was very angry.

prosecutor – a lawyer for the person who is accusing another person of doing something wrong or illegal

* The prosecutor made a strong case and convinced everyone in court.



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felony – a major illegal action usually punished by time in jail

* You will have to go to jail if you are convicted of a felony in this state.

misdemeanor – a minor illegal action usually punished by a fine, not time in jail

* It's only a misdemeanor so she shouldn't need to go to jail.

flight risk – a person who the court thinks would try to leave, without permission, the area where he/she was arrested and is on trial in order to avoid being charged and sentenced

* The court took away his passport because he is a flight risk.

bail – a sum of money left with the court to make sure that a person released from jail comes back for the trial

* If you don't make bail, you'll have to stay in jail until the trial.

to be found guilty – to be held responsible for committing a crime or doing something wrong

* Did you hear that he was found guilty of burglary for stealing those paintings?

to be sentenced – to be given punishment by a court or judge for having committed a crime

* I afraid that they will be sentenced to ten years in jail by the judge.

up to – not more than

* I don't have a lot of money, but I can lend you up to \$100.



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COMPREHENSION QUESTIONS

1. Why was the student in the story arrested?
 - a) He broke into his professor's office to steal a computer.
 - b) He was a security guard and helped with the burglary.
 - c) He told the prosecutor he committed assault.

2. The judge set the bail at \$2 million because:
 - a) the judge needed the money.
 - b) the student was a flight risk.
 - c) the student had been convicted of felonies before.

WHAT ELSE DOES IT MEAN?

to break into

The phrase "to break into," in this podcast, means to enter illegally: "Someone broke into my car and stole the radio." The phrase can also be used more generally to mean "to enter": "Those actors have been trying to break into show business for years." The term "show business" is often used to mean the entertainment business, such as TV or movies. Another example would be: "He is getting his degree in business and wants to break into the real estate business."

up to

In this podcast, the phrase "up to" means not more than: "He likes to eat cookies. He can eat up to three bags a day." This phrase can mean something very different. When used in "What are the children up to?" it means, "What are they doing (right now)?" This can be used as an informal greeting, too, if you haven't seen someone for a long time. "What have you been up to?" means, "What have you been doing lately?"



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CULTURE NOTE

In the U.S., anyone accused of breaking the law has certain rights to make sure that they get a fair trial. One of these rights is called the Miranda warning. Before the police can ask questions of a person they have arrested, they have to let the person know that they have a right not to say anything until they have a lawyer to help them. This protects the person from admitting to taking part in a crime when, really, they are just scared or didn't understand what was going on.

The U.S. legal system wants to make sure that anyone who is arrested for breaking the law knows exactly why they are in trouble. The person who is arrested has a right to know what crimes he or she has been charged with. In the Miranda warning, the police also tells the person that they have a right to have a lawyer present whenever they are being asked questions. If they don't have money to hire a lawyer, the court gives the person a "public defender"—a lawyer who works for the government who defends people who don't have money to pay for their own lawyer.

Comprehension Questions Correct Answers: 1 – a; 2 – b



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COMPLETE TRANSCRIPT

Welcome to English as a Second Language Podcast Number 172, "Legal Problems."

You're listening to English as a Second Language Podcast Number 172. I'm your host, Dr. Jeff McQuillan, coming to you from the Center for Educational Development in beautiful Los Angeles, California.

On this podcast we are going to be talking about problems that people have with the law. Remember you can have a list of the vocabulary, additional sentences, cultural notes, and additional explanations, along with a complete transcript of this podcast by becoming a member of ESL Podcast at eslpod.com.

Now let's get started!

<start of story>

I was reading the newspaper this morning and saw a story about a university student arrested and charged with burglary and assault. Last Monday, this student hit a security guard over the head, broke into his professor's office and stole the professor's computer. He wasn't doing well in the class and thought that he could steal the exam.

When he was arraigned in court, the prosecutor said that the charges were very serious felonies, and not simple misdemeanors. He also said that because the student was a flight risk, the bail should be set at \$2 million dollars. The judge agreed. If the student is found guilty of all the charges, he could be sentenced to up to 15 years in jail.

When I read this story, I thought, wouldn't it have been easier for him to just study?

<end of story>

This podcast is about "Legal Problems." "Legal" is connected or related to law. So, if you have legal problems, you have some problems with the police or the government. In this story, I say that I was reading the newspaper and I saw a story about a university student who was arrested and charged. To be "arrested," the past tense, to be arrested is to be caught by the police. The police come and



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take you to jail. They catch you doing something wrong. To be "charged," also past tense – "The student was arrested and the student was charged." To be charged means that the police say that you are guilty of a certain crime; that you did something wrong. And you actually go to the court to a judge, and they are going to, at that point, begin a case against you. They are going to give you, usually, a trial. A "trial" is when you have a judge, and sometimes you have people who decide - a group of people. That group is called a "jury." So, you have a judge and a jury, a group of people who decide if you are guilty or not guilty. To be charged, then, means that the police are formally and officially saying that you've committed or you did something wrong; you've committed a crime. We use that verb "to commit" when we are talking about a crime, something against the law. So, this student is first arrested and then the police charge him. They say yes, you did something wrong.

Now, what he did wrong in this story is burglary and assault. "Burglary" is when you steal something from someone else. Usually, it's a case where you go into someone's house or in someone's office and you take something that isn't yours. That is burglary. It's the same as "theft." Theft, burglary, are basically the same here. An "assault" is when you hit someone; when you either hit them with your fist or you hit them with something else and you hurt or injure someone else. That's called assault.

So, this poor student has been arrested. He's been charged with the crimes of burglary and assault. The story says that last Monday, this student hit a security guard over the head. A "security guard" is someone who watches a building and makes sure that no one does anything wrong, no one enters the building without permission. Security guards are not the police. They're usually not policemen or policewomen, but they are people who companies hire to protect their property. And, there are lots of different companies in the United States that have security guards. A "guard," of course, is someone who watches someone else. You could have, for example, a "prison guard" - someone who is actually a government employee and watches prisoners in jail. But a security guard is usually a private, non-government employee of a company that is there to make sure nothing happens to their property.

Well, the student hit the security guard over the head. To hit someone "over the head" means to hit them on the head, it's the same meaning. You're basically taking something and hitting their head and hurting them. Well, he hit the security guard over the head, and broke into his professor's office. To "break into" means



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that you go into something, an office or a house, without permission, that you're not supposed to be there. So, you climb through the window or you hit the door very hard and bust it down, we would say, to take the door and hit it very hard in order to open it. Or you could, if you were a little more intelligent, you could pick the lock. To "pick" means to open a lock without the key. I'm giving you lots of good ideas here about how to steal something. Okay.

So, we break into the professor's office, well he, in the past tense, "broke into," - "broke" is the past of "break" - so he broke into the professor's office, he went in the professor's office without permission, and he stole the professor's computer. "Stole" is the past tense of the verb to "steal," which means to take something without permission, to take something from someone else. Well, this student is not, or was not doing very well in that professor's class, and he thought if he stole the computer, he could steal the exam. So, he isn't a good student, but perhaps, he's not stupid, either. Well, unfortunately, he was arrested and the police charged him, and then they took him to the judge. They took him to court.

And when the police take you to the court, before a judge, the first step in your legal prosecution, that is, when the government says that you did something wrong, they prosecute you. To "prosecute" means the government tries to convince the judge or the judge and the jurors that you are guilty. So, the first step the government does is they arraign you in court. And to "arraign" means you go in front of the judge and you have to say whether you are guilty or innocent. Did you do the crime or did you not do the crime? Well, you have to tell the judge what your opinion is, what you think happened. And this is called "entering a plea." "To enter a plea" means to tell the judge if you are guilty or not guilty. Now, of course, most people say they are not guilty, they did not commit or do the crime.

So, this student was arraigned in court and the "prosecutor" – and a "prosecutor" is the person who prosecutes the case; the government lawyer who is responsible for proving to the court that you are guilty – this prosecutor said that the charges were very serious felonies, and not simple misdemeanors. Well the "charges" are the accusations; they are what the government says the police say that you did wrong. A "felony" is a serious crime – murder, certain kinds of burglary, burning someone's house down, anything that's very serious would be a felony. A less serious crime is called a "misdemeanor," and "misdemeanor" means that you didn't commit a serious crime. Maybe you crossed the street illegally or you were smoking and you threw your cigarette out the window. Well



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that's a misdemeanor, that's polluting. I hate when people do that. But, nobody gets arrested for that. They'll probably just give you a fine; you'll have to pay some money. So, a misdemeanor is a small crime, not a serious crime.

The prosecutor in our story says that the student committed serious felonies, not simple misdemeanors. Notice the use of "serious" there to emphasize that it is a big crime, it is a crime that the court has to treat very seriously. Also, we say "simple" misdemeanor; meaning, simple here, means not very serious, not very important.

Well this prosecutor said that the student was a "flight risk" (two words) - means that the person may try to leave the city, the state, or even the country if they are not put in prison right away or if they don't pay a lot of money as part of their bail. "Bail" is money that you give the government; it's sort of like insurance money that says that you will not try to leave the state or leave the country before the government puts you on trial. That is, you're arrested, say, in March, well, let's call it May, 2006, and you are arraigned, you say you're not guilty. The government then says, ok, well, you come back in September and we will have a trial, we will see if you are guilty or not guilty. But, between May and September, for example, we won't keep you in prison. Instead, you can put up bail or post bail. And that means that you are going to give us some money that is part of our insurance policy that you are going to come back. And if you don't come back, then, you will owe all this money. It's kind of a strange system, but it is, in fact, the system that most American courts use with criminals. Unless it's a very, very serious criminal, in which case, the judge says there is no bail, the person has to stay in prison until the trial; they can't go home.

Well, in this case, the judge is asked by the prosecutor to make the bail very high, a large amount. He asks that the bail be "set" at \$2 million. Meaning, the judge will say, this is how much you have to pay in bail. Now, actually, you don't have to pay \$2 million. Usually, there are companies, what are called bail bonds companies or bail bond companies...bond, where you can say, I will give you 10% of the \$2 million. And the company will guarantee the government the rest of the money. It's again kind of a weird system we have, but setting the bail is when the judge says you have to pay this amount of money and we'll give you that money back if you come back in September, for example, for your trial. Well, the judge agrees with the prosecutor and sets the bail very hard, very high.



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The student is in serious trouble, of course. If he is found guilty of all the charges, he could be sentenced to up to 15 years in jail. To be "found guilty" means that the judge or the judge and the jury, that group of people that usually decide whether you are guilty or innocent, decide that you are guilty, that you committed or did the crime. If this student is found guilty, he could be sentenced to up to 15 years in jail.

To be "sentenced" means that you have to spend time in jail. Now, "sentencing" is a punishment. So, when the judge sentences you, he is giving you your punishment. Sometimes your punishment is money, is a fine that you have to pay. You have to pay the government a thousand dollars for smoking in a place where you shouldn't be smoking, for example. Or your sentence could be that you have to go to jail. So, a sentence, as a noun, can be a punishment, either a serious punishment or a not serious punishment. As a verb, to be sentenced, means that the government, the judge, usually, says that you have to be punished either by paying money or by going to jail, going to prison. This particular student could be sentenced up to 15 years. When we use "up to," we mean it could be 15, it could be 14, it could be 10, anything that is 15 or less years. The maximum, in other words, would be 15 years.

Well, our story ends by me wondering why the student didn't just study for his exam, instead of trying to steal the professor's computer. Wouldn't that be less work?

Now let's listen to the story this time at a native rate of speech.

<start of story>

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<end of story>

The script for today's podcast was written by Dr. Lucy Tse. Remember to visit our website at eslpod.com for the transcript and more information about this podcast. From Los Angeles, California, I am Jeff McQuillan. Thanks for listening! We'll see you next time on ESLPodcast.

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