

Assas

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(Unité d'Enseignements Complémentaires 1)

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Document(s) autorisé(s) : **Aucun**

I. Complete the following sentences, using at least 10 words. Limit your answers to one complete sentence (30%)

1. In addition to subject-matter jurisdiction, which is ...
2. The fiduciary duties of company directors include ...
3. White-collar crime may be treated differently from other criminal offenses because ...
4. Diversity jurisdiction refers to ...
5. A person may use deadly force in self-defense if ...

II. Read the following case extract and answer the questions below. DO NOT QUOTE DIRECTLY FROM THE TEXT

SUPREME COURT OF THE UNITED STATES

BRANSON v. KORMA

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

In October 1990, petitioner began serving a three-year sentence for convictions of mail fraud, which is a federal criminal offense under the United States Code. In April 1992 he was released on parole, but in September 1992 that parole was revoked and he was returned to prison. The revocation order concluded that petitioner had violated certain conditions for remaining on parole.

Petitioner commenced proceedings in the United States District Court alleging that he had not received due process in the parole revocation proceedings. However, before the District Court was able to hear the claim, petitioner's sentence expired and he was released from prison. As a result, the District Court dismissed the petition as moot. The Eighth Circuit affirmed.

The US Supreme Court granted certiorari. The question before the Court was whether petitioner's release from prison caused his petition to be moot because it no longer presented a case or controversy under Article III of the Constitution.

Questions

1. Discuss the function of parole in the US penal system, and how it differs from probation. **(10%)**
2. Explain the jurisdiction of federal courts in the US. In what circumstances will a federal court have jurisdiction to hear a case? **(20%)**
3. Discuss the legal arguments which could be used by (1) the petitioner and (2) the respondent in this case before the Supreme Court. Your answer should include a discussion of the doctrines that limit access to federal courts ("case or controversy"; "standing", "mootness" etc) and the concept of "due process". **(40%)**