**Université PARIS - PANTHÉON - ASSAS** **U.E.F.1**

**Droit - Economie - Sciences Sociales** **7296**

**Session :**  Rattrapage 2021-2022 – Semestre 1

**Année d'étude :**  Troisième année de Licence Droit

**Discipline :**  Anglais juridique

*(Unité d’Enseignements Fondamentaux 2)*

**Titulaire(s) du cours :** Marie BERNES-CABANNE, Louise JACOB

**Durée de l’épreuve :** 1h30

**Les documents et les appareils électroniques ne sont pas autorisés.**

*Ce sujet comporte* ***2 pages****. Avant de composer, veuillez vérifier que votre sujet est complet.*

**I. Complete the following sentences, adding between 15 and 30 words. Do not start a new sentence. (20 points)**

1. In addition to the right to a speedy and public trial…

2. Unlike juveniles, …

3. Pursuant to *Batson v Kentucky*…

4. Although the 14th amendment…

5. Since *Lemon v Kurtzman*…

**II. Read the text. Answer each of the questions in your own words (approximately 100 words for each question). DO NOT QUOTE FROM THE TEXT. (30 points)**

**“Illinois Lawmakers Bar Police From Using Deception When Interrogating Minors”**

*A bill that passed the General Assembly with bipartisan support on Sunday would make Illinois the first state to prohibit officers from lying when interrogating those under 18.*

Haut du formulaire

Bas du formulaire

By Michael Levenson, *The New York Times,* May 31, 2021

Illinois would become the first state to bar the police from using deceptive tactics when interrogating young people under legislation that passed the General Assembly with near-unanimous support from Republicans and Democrats on Sunday.

The bill, which is headed to Gov. J.B. Pritzker’s desk, is intended to stop the police from lying during interrogations, a technique that is legal but that the bill’s supporters say often leads to false confessions.

The legislation gained momentum after what one supporter called a drumbeat of false confessions involving young people in recent years, both in Illinois and nationwide.

It would make Illinois the first state to prohibit law enforcement officers from knowingly communicating false facts about evidence — like claiming to have found a young person’s fingerprints on a gun — or making unauthorized promises about leniency when interrogating people under 18, according to the [Innocence Project](https://innocenceproject.org/historic-deception-bill-passes-illinois-legislature-banning-police-from-lying-to-youth-during-interrogations/). Any confession in which a police officer “knowingly engages in deception” with a person under 18 would be presumed to be inadmissible in court under the bill.

While the bill provides a check on police deception, it does not include specific punishments for officers who lie in the interrogation room, said Stephanie Kollmann, policy director of the Children and Family Justice Center at the Northwestern University Pritzker School of Law. It does not address police deception in other contexts, such as when a young person is stopped on the street or in school, and it might even incentivize officers to interrogate young people in those settings, Ms. Kollmann said.

False confessions have played a role in about [30 percent of all wrongful convictions](https://innocenceproject.org/exonerations-data/) overturned by DNA evidence, and recent studies suggest that [people under 18](https://link.springer.com/article/10.1023/A:1022543012851) are two to [three times more likely to falsely confess](https://www.nyulawreview.org/issues/volume-92-number-5/the-right-to-remain-a-child-the-impermissibility-of-the-reid-technique-in-juvenile-interrogations/) than adults, according to the Innocence Project.

In Illinois alone in the last three decades, there have been 100 wrongful convictions predicated on false confessions, including 31 involving people under 18, according to the Innocence Project. (…)

The office of Mr. Pritzker, a Democrat, did not respond to emails about the bill on Monday. State Representative Jim Durkin, a former prosecutor who is the Republican leader of the Illinois House, was among its sponsors and vocal supporters.

“Our criminal justice system should not be guided by a conviction, but rather it should be guided by the advancement of the truth,” Mr. Durkin said in a statement. “Deception can never be utilized under any condition in our criminal justice system and particularly against juveniles.”

State Senator Robert Peters, a Chicago Democrat who sponsored the bill, said in a statement that a disproportionate number of wrongful convictions had involved young Black people who had been convicted after the Chicago Police lied to them during questioning. He called Chicago “the wrongful conviction capital of the nation.”

One of several cases cited by the bill’s supporters involved four men — Charles Johnson, Larod Styles, LaShawn Ezell and Troshawn McCoy — who had been arrested as teenagers and spent more than 20 years behind bars for a 1995 double murder in Chicago.

A judge [set aside their convictions](https://www.fox32chicago.com/news/state-drops-charges-of-marquette-park-four-in-1995-south-side-murders) in 2017 after prosecutors cited new evidence in the case. Lawyers for the men have [said](https://www.macarthurjustice.org/case/charles-johnson/) their confessions were coerced by the Chicago Police, who fed them information about the crime and then threatened them if they did not repeat the officers’ fabricated statements. The teenagers were told, according to their lawyers, that they might never see their families again, could serve life in prison or could even receive the death penalty. (…)

The case of Brendan Dassey, whose murder conviction was documented in the Netflix series “[Making a Murderer](https://www.nytimes.com/2019/10/02/us/brendan-dassey-clemency-making-a-murderer.html?searchResultPosition=2),” drew national attention to the issue.

Mr. Dassey was 17 in 2007 when he was convicted of helping his uncle murder and sexually assault a photographer. Mr. Dassey has intellectual disabilities, and his legal team has long argued that his confession was coerced in a deeply flawed interrogation. In 2019, Gov. Tony Evers of Wisconsin [denied a request](https://www.nytimes.com/2019/12/21/us/brendan-dassey-pardon-making-a-murderer.html) to grant Mr. Dassey clemency.

“When a kid is in a stuffy interrogation room being grilled by adults, they’re scared and are more likely to say whatever it is they think the officer wants to hear to get themselves out of that situation, regardless of the truth,” Mr. Peters, the state senator, said in the statement.

“Police officers too often exploit this situation in an effort to elicit false information and statements from minors in order to help them with a case,” Mr. Peters said. “Real safety and justice can never be realized if we allow this practice to continue.”

**Questions**

1. What does the bill passed by the Illinois General Assembly provide for? What does it not include?
2. What issue does the bill seek to address? What examples and figures are given to illustrate the scope of this problem?
3. Discuss the underlined sentence and give your opinion on that statement.

**III. Write a case study in approximately 300 words (**+**/- 10%). (50 points)**

Sarah and John, two 20-year-old citizens from California plan to rob a bank in the neighboring state of Nevada. They inform their roommate Will about their upcoming crime. The latter therefore feels torn, but decides to call the police anonymously from a public phone to tell an officer what he knows. He gives the description of a young couple who are armed and are driving a red car. He also informs them of the date and location of the robbery. On the day of the offence, police officers Kennedy and Clayton decide to watch the surroundings of the bank. They spot Sarah and John’s car and decide to stop and frisk them and search their car, thus finding their illegally purchased weapons in the trunk and preventing the robbery.

At trial, Sarah and John realize that their lawyer, who is a public defender, suffers from amnesia: he keeps searching for his words and mixes up cases. He mistakes their names and presents wrong pieces of evidence that belong to another case.

Sarah and John are later convicted, but want to challenge their conviction.

*Examine the validity of Sarah and John’s claim. Justify your answer using your knowledge of American criminal law.*