

原力英语 B1 专项词汇拓展 2 法律词汇专项提升

法律英文的文体特点

词汇使用特点

- ✧ 法律英语用词庄重、规范，书面语和术语很多。为了维护法律的严肃性，法律、法规遣词造句力求准确，用词正式，语意严谨。但表达方式也相对稳定，专业性强。
- ✧ 古词和外来词出现频率高。法律英语词汇在词源上大量收录采用了拉丁语、法语、德语和西班牙语中的法律词汇。英式法律英语中还大量沿用了中古英语，其主要原因是为了显示法律语言的神圣性、权威性和严密性，以区别于日常英语。然而，以美式英语为代表的法律英语中倾向于运用简单明了的常用词汇来表达法律意思，即简明的常用语言。
- ✧ 运用成对词和近义词。在法律条文中，我们可以常见到以下的类似用法: rights and interests 权益, terms and conditions 条款, complete and final understanding 全部和最终的理解, losses and damages 损坏, null and void 无效, sign and issue 签发等。这些词表示固定的意义，使用和翻译时不能随意拆开。
- ✧ 大量使用命令词和情态动词。由于法律法规表现司法主体对司法客体的行为制约和义务规定，它通常要求司法客体“必须”、“可以”、“应该”或“不许”、“不能”、“不得”做什么，用词通常带命令语气。may, not, must, should, ought to 等情态动词常会出现在相关文体当中。

词性使用特点

- ✧ 代词的使用非常谨慎。由于法律条文的严密性，为了规避不确定性，则要尽可能少地使用代词，尤其是指示代词，不定代词等。例如: that、he 等。

- ✧ **抽象名词居多。**名词在法律英语中所出现的频率比其它任何词性所出现的频率都高，甚至在有些法律条文中不用动词，只用名词短语来表述其法律条文或法律概念。
- ✧ **形容词和副词使用要客观。**由于法律英语文体要求其语言多为客观描述性与解释性，所以很少使用表示程度强烈的形容词和副词，尤其是 very, quite, rather 等用得非常少。

英美法系(Common Law System)亦称“普通法系”、“英国法系”、“判例法系”、“海洋法系”。以英国普通法为基础发展起来的法律的总称。

即反复参考判决先例(precedent)，最终产生类似道德观念一般的普遍的、约定俗成的法律(customary rules)。

大陆法系(Civil Law System)是指欧洲大陆上源于罗马法、以 1804 年《法国民法典》为代表的各国法律，所以大陆法系也称罗马法系或民法法系。

- **第一，法律渊源不同。**大陆法系是成文法系，其法律以成文法即制定法的方式存在，它的法律渊源包括立法机关制定的各种规范性法律文件、行政机关颁布的各种行政法规以及该国参加的国际条约，但不包括司法判例。英美法系的法律渊源既包括各种制定法，也包括判例，而且，判例所构成的判例法在整个法律体系中占有非常重要的地位。
- **第二，法律结构不同。**大陆法系承袭古代罗马法的传统，习惯于用法典的形式对某一法律部门所涉及的规范做统一的系统规定，法典构成了法律体系结构的主干。英美法系很少制定法典，习惯用单行法的形式对某一类问题做专门的规定，因而，其法律体系在结构上是以单行法和判例法为主干而发展起来的。
- **第三，法官的权限不同。**大陆法系强调法官只能援用成文法中的规定来审判案件，法官对成文法的解释也需受成文法本身的严格限制，故法官只能使用

法律而不能创造法律。英美法系的法官既可以援用成文法也可以援用已有的判例来审判案件，而且，也可以在一定的条件下运用法律解释和法律推理的技术创造新的判例，从而，法官不仅使用法律，也在一定的范围内创造法律。

- **第四，诉讼程序不同。**大陆法系的诉讼程序以法官为重心，突出法官职能，具有纠问程序的特点，而且，多由法官和陪审员共同组成法庭来审判案件。英美法系的诉讼程序以原告、被告及其辩护人和代理人为重心，法官只是双方争论的“仲裁人”而不能参写争论，写这种对抗式（也称抗辩式）程序同时存在的是陪审团制度，陪审团主要负责做出事实上的结论和法律上的基本结论（如有罪或无罪），法官负责做出法律上的具体结论，即判决。

LAW-RELATED CAREERS

❖ lawyer 律师

Lawyers are employed in law firms or private practices and usually advise clients about their legal issues and how to move forward.

律师受雇于律师事务所或私人执业机构，通常就其法律问题以及如何向前发展向客户提供建议。

❖ attorney 律师(尤指代表当事人出庭者)，代理人

Attorneys consult with clients like lawyers do but are much more likely to go beyond the initial consultation and represent the client in courtroom proceedings.

代理人像律师一样咨询客户，但更可能超越最初的咨询，在法庭诉讼中代表客户。

❖ counsel 法律顾问

Counsels are lawyers who are employed by a company or organization. Not being employed at a law firm, counsels act solely on behalf of that company or organization.

律师是受雇于公司或组织的律师。律师不受雇于律师事务所，仅代表该公司或组织行事。

paralegal	律师助理	judge	法官
legal secretary	律师助理	mediator	调解人
jury consultant	陪审团顾问	detective	侦探
court clerk	法院办事员	arbitrator	仲裁人
criminal investigator	刑事侦查员		

FIELDS OF LAW

Admiralty / Maritime Law	海商法	Health Law	健康法
Agriculture Law	农业法	Immigration Law	移民法
Anti-Monopoly Law	反垄断法	Intellectual Property Law	知识产权法
Bankruptcy Law	破产法	International Law	国际法
Business/ Corporate Law	商业法	Labor/Employment Law	劳动法
Civil Code	民法典	Legislation Law	立法法
Civil Rights Law	民权法	Marriage Law	婚姻法
Constitution	宪法	National Security Law	国家安全法
Criminal Law	刑法	Nuclear Safety Law	核安全法
Environmental Law	环境法	Prison Law	监狱法
Family Law	家庭法	Real Estate Law	不动产法
Wild Animal Conservation Law	野生动物保护法	Tax Law	税法

ps: mother-in-law 岳母

PRINCIPLES

fundamental principles of civil law	民法基本原则
principle of equality	平等原则
principle of free will	自愿原则
principle of justice	公平原则
principle of equal value exchange	等价有偿原则
principle of good faith	诚实信用原则

50 MOST COMMON LEGAL TERMS

掌握这些法律高频词，相关主题的英美剧和听力阅读的能力都能有效提高！

ACCESSORY

accessory [ək'sesəri] n. 从犯

A person who in some manner is connected with a crime either before or after its perpetration, but who is not present at the time the crime is committed.

在犯罪之前或之后以某种方式与犯罪有关，但在犯罪时不在场的人。

For example, Joe gives Josh the blue-prints to a bank. Afterwards, Jane allows Josh to hide the money at her apartment. Both Jane and Joe are accessories to the robbery.

例如，乔把蓝图给了乔希一家银行，然后简让乔希把钱藏在她的公寓里，简和乔都是抢劫案的从犯。

ACCOMPLICE

accomplice [ə'kʌmplɪs] n. 共犯，帮凶，同谋

One who knowingly, voluntarily, and intentionally unites with the principal offender in the commission of a crime as a principal, accessory, or aider or abettor.

教唆犯在犯罪过程中故意、自愿地与主犯联合起来作为主犯、从犯、帮凶或教唆犯的人。

In a bank robbery for example, the person who helps break open the vault or the person watching the hostages would be considered an accomplice.

例如，在银行抢劫案中，帮助打开金库的人或监视人质的人将被视为共犯。

ACCORD

accord [ə'kɔ:d] n. 协议，条约

A settlement agreed upon between the parties in a lawsuit for something other than what is claimed to be due, and which bars subsequent actions on the claim.

在诉讼中，双方当事人就声称应支付的款项以外的其他事项达成的和解协议，该协议禁止对该项索赔采取后续行动。

The two sides signed a peace accord last July.

双方去年 7 月签署了一项和平协议。

ACCORD AND SATISFACTION

accord and satisfaction [ˌsætɪsˈfækjən] 和解与清偿

A method of discharging a claim upon agreement by the parties to give and accept something in settlement of the claim something different from or less than that which the creditor is claiming or entitle to. The accord is “the agreement” and the satisfaction is “the execution and a new contract.”

是解除债务的一种方法。实践中的通常做法是，当事方经过协商后决定由债权人接受债务人所给付的款项（通常比原款项要少），从而解除债务人债务。

For example, a person going through a divorce is threatened with a lawsuit. Unable to deal with more legal issues; the divorcee(离了婚的人) talks to the other party and offers to pay a small fine. After both parties sign the statement and the amount is paid, the accord and satisfaction is complete. If the other person threatens to sue, the divorcee would show the accord and satisfaction to a judge and the judge would not allow any more money to be collected.

例如，一个正在办理离婚手续的人受到诉讼的威胁。无法处理更多的法律问题；离婚者与对方交谈并提出支付少量罚款。双方签署声明并支付金额后，协议和满意就完成了。如果对方威胁要起诉，离婚者会向法官表示同意和满意，法官也不会允许再收任何钱。

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ACCUSED

accused [ə'kju:zd] 被告

A person charged with having committed a crime or misdemeanor. A defendant in a criminal proceeding.

被指控犯有犯罪或轻罪的人。刑事诉讼中的被告。

O.J. Simpson was charged with the murder of his wife and was therefore the accused. He was then put on trial for the murder and, as the defendant, was the accused in the trial.

O. J. 辛普森被控谋杀他的妻子，因此成为被告。随后，他因谋杀罪受审，作为被告，他是庭审的被告。

ACKNOWLEDGMENT

acknowledgment [ək'nɒlɪdʒmənt]

1. A statement of acceptance of responsibility. 承认，确认

The Partners acknowledge that, the consummation of the Investment is subject to certain factors beyond the General Partner's control, such as the execution of all Transaction Agreements, and customary closing conditions; and there is uncertainty regarding the consummation of the Investment by the Partnership.

合伙人承认，投资的完成可能受到普通合伙人无法控制的某些因素的限制，比如所有交易协议的签署以及惯例性的交割条件；并且合伙企业投资项目的完成存在不确定性。

2. The short declaration at the end of a writing showing that the instrument was duly executed and acknowledged. 告知收到

Notices given by personal delivery shall be deemed given on the date of personal delivery, provided that receipt shall be acknowledged in writing by the receiving party.

通过专人送达的通知应当在送达之日视为送达，但收件方应通过书面告知已收到通知。

ACQUIT

acquit [ə'kwɪt] v. 无罪释放

To set free or discharge from an accusation of guilt of a crime or responsibility for a civil liability.

免除或免除对犯罪或民事责任的指控。

A jury may acquit a defendant charged with armed robbery by finding him or her not guilty of the charge.

陪审团可以宣判被控持械抢劫的被告无罪。

ACQUITTAL

acquittal [ə'kwɪtl] n. 赦免; 无罪开释

In criminal law, a verdict of not guilty. In contract law, a release, absolution, or discharge from an obligation, liability, or engagement. Acquittal is a noun which is distinguished from the verb "acquit."

在刑法中，无罪判决。在合同法中，免除、免除或解除一项义务、责任或约定。无罪释放是一个名词，区别于动词“无罪释放”

The U.S. media found O.J. Simpson's acquittal astonishing.

美国媒体对辛普森的无罪释放感到震惊。

Orenthal James Simpson (born July 9, 1947), nicknamed "The Juice", is an American former football running back, broadcaster, actor, advertising spokesman, and convicted felon (被定罪的重罪犯). Once a popular figure with the U.S. public, he is now best known for being tried for the murders of his former wife, Nicole Brown Simpson, and her friend, Ron Goldman. Simpson was acquitted of the murders in criminal court but was later found responsible for both deaths in a civil trial (民事审判).

奥伦塔尔·詹姆斯·辛普森（生于 1947 年 7 月 9 日），绰号“果汁”，是一名美国前橄榄球运动员、广播员、演员、广告发言人和重罪犯。他曾经是美国公众的热门人物，现在最出名的是因谋杀前妻妮可·布朗·辛普森和她的朋友罗恩·戈德曼而受审。辛普森在刑事法庭上被宣判谋杀无罪，但后来在民事审判中被判对这两起死亡事件负责。

ACTION

action['ækʃn] 诉讼;起诉

Case, cause, suit or controversy disputed or contested before a court of justice. Action is used more often for civil lawsuits than for criminal cases.

在法庭上有争议的案件、原因、诉讼或争议诉讼通常用于民事诉讼而不是刑事诉讼。

A criminal action is a proceeding initiated by the government to punish a person or entity(实体) for a crime.

刑事诉讼是政府为惩罚个人或实体而提起的诉讼(实体)因为犯罪。

He is considering taking legal action against the hospital.

他正在考虑对医院采取法律行动。

AD DAMNUM

ad damnum 赔偿金，损害赔偿

Latin for “to the damage.” A formal claim for damages in a pleading: typically a clause of a pleading alleging amount of loss or injury from the defendant.

指令状或起诉状中陈述原告的金钱损失或其请求的损害赔偿金的条款。此种条款告知对方当事人未在未对实际损害或责任予以证明的情况下所要求的最高索赔金额。

In a civil claim for car damage, the plaintiff's ad damnum may request the court award the plaintiff twenty-five thousand dollars for the damage sustained due to the defendant's actions.

在汽车损坏的民事索赔中，原告向被告可以请求法院就被告的行为所造成的损失赔偿原告二万五千美元。

AD LITEM

ad litem

Latin for “for the purposes of the legal action.” It refers to the appointment by the court of one party to act in a legal action on behalf of another party.

为诉讼之目的：限于诉讼；诉讼（监护人）

A grant ad litem is the appointment by a court of a person to act on behalf of an estate in court proceedings, when the estate's proper representatives are unable or unwilling to act.

诉讼授权是指当遗产的法定代表人不能或不愿意在法院诉讼中代表遗产行事时，由法院指定的人。

A guardian ad litem is the former name for a litigation friend responsible for the conduct of legal proceedings on behalf of someone else.

诉讼监护人是诉讼朋友的原名，代表他人负责进行法律诉讼。

She is Anna's guardian ad litem for the trial.

她是安娜法律程序期间的监护人。

ADVERSARY

adversary[ˈædvəsəri] 敌手，对手

The opposite party in an action.

行动中的对方。

The defendant is the plaintiff's adversary.

被告是原告的对手。

AFFIDAVIT

affidavit [ˌæfəˈdeɪvɪt] 宣誓书

A written statement of facts confirmed by the oath of the party making it, before a notary or officer having authority to administer oaths.

宣誓书在有权主持宣誓的公证人或官员面前，由宣誓一方宣誓确认的事实的事实陈述。

In criminal cases, affidavits are often used by police officers seeking to convince courts to grant a warrant to make an arrest or a search. In civil cases, affidavits of witnesses are often used to support motions for summary judgment.

在刑事案件中，警官经常使用宣誓书来说服法院签发逮捕令或搜查令。在民事案件中，证人的宣誓书经常被用来支持简易判决的动议。

词源解析: fida ← 拉丁语 fidare(信任) ← 拉丁语 fides(忠诚)

背景知识: 中世纪欧洲法律制度中，宣誓书是一种具有重要效力的文件。宣誓人在有权主持并见证宣誓的宣誓官面前宣誓，然后提供证词并记录下来。宣誓人和宣誓官在书面证词中签名，这种经过宣誓的书面证词就是宣誓书。宣誓书的第一行就是拉丁语 affidavit，它是 affidare 的第三人称完成式，意思就是“他/她宣誓后陈词如下”。因此，这种宣誓书就被称为 affidavit。

同源词: faith 信仰, affiance 婚约, fiancée 未婚妻, fidelity 忠诚, confident 确信的, confidence 信心...

ARREST

arrest[ə'rest] 逮捕; 拘留

If the police arrest sb, the person is taken to a police station and kept there because the police believe they may be guilty of a crime.

如果警方逮捕某人，此人将被带到警察局并被拘留，因为警方认为他们可能犯罪。

A man has been arrested in connection with the robbery.

一名男子因与抢劫案有关而被捕。

She was arrested for drug-related offences.

她因与毒品有关的罪行被捕。

ATTORNEY-AT-LAW

attorney-at-law

An advocate, counsel, or official agent employed in preparing, managing and trying cases in court. Attorney-at-law is the official name for a lawyer in the United States; in England they are called solicitors.

具有律师资格，且注册登记而从事法律事务代理者

An attorney-at-law was consulted for the initial drafting of the legal document.

法律文件的初稿征求了律师的意见。

BAIL

bail[beɪl] 保释;保释金

The amount of cash required to obtain the release of an accused from law enforcement custody while his or her case progresses.

在被告的案件进展期间，为使其从执法拘留所获释所需的现金数额。

The defendant was released after his sister sold her car and posted the three-thousand-dollar bail.

被告在其姐姐卖掉汽车并交了三千美元保释金后获释。

BANKRUPTCY

bankruptcy ['bæŋkrʌptsi] 破产

Judicial proceedings by which most debts owed by a person found to be insolvent is relieved of liability for his or her debts by making court-approved arrangements for partial repayment.

一种司法程序，通过作出法院批准的部分偿还安排，免除被认定无力偿债的人所欠的大部分债务。

Debts may be extinguished, reduced or the payment of which may be delayed.

债务可以消灭、减少或者延期清偿。

Bankruptcy judges preside over these proceedings; the person with the debts is

called the debtor; and the people or companies to whom the debtor owes money to are called creditors.

破产法官主持这些程序；负有债务的人被称为债务人；债务人所欠的人或公司称为债权人。

Despite the lawyers' advice, his client filed for bankruptcy, which later ruined his credit report.

尽管有律师的建议，他的当事人还是申请了破产，这后来毁了他的信用报告。

BATTERY

battery ['bætri] 殴打罪

A crime (and the basis for a tort 侵权行为) involving intentional and nonconsensual contact with another person's body or something attached or considered to be apart of them, including clothing or an umbrella.

犯罪（和侵权行为的依据）侵权行为）涉及与他人身体或与他人身体或被视为分开的东西的有意和非感性接触，包括衣服或伞

The subway rider was sued for battery after the fight.

地铁乘客在打架后被告殴打。

Lawrence punched a man in a Los Angeles nightclub and was charged with battery.

劳伦斯在洛杉矶一家夜总会打了一名男子，并被指控使用电池。

CAPITAL CRIME

capital crime ['kæpɪtl kraɪm] 死罪

A crime punishable by a life sentence in prison or death.

可被判处无期徒刑或死刑的罪行。

Charles Manson was tried and convicted of capital crimes after he and his followers murdered a number of people.

查尔斯·曼森和他的追随者谋杀了一些人后，他被判死刑。

CAPITAL PUNISHMENT

capital punishment [ˌkæpɪtl 'pʌnɪʃmənt] 死刑

The legal imposition of a sentence of execution for a criminal offense. Also known as DEATH PENALTY.

对刑事犯罪判处死刑的法律。又称死刑。

The jury found the defendant guilty and imposed capital punishment.

陪审团裁定被告有罪，判处死刑。

FIRST-DEGREE MURDER

first-degree murder 一级谋杀罪

First-degree murder is the most serious of all homicide offenses. It involves any intentional murder that is willful(故意的)and premeditated(预谋的)with malice aforethought.

一级谋杀是所有谋杀罪中最严重的。它涉及任何故意的谋杀有预谋的预谋恶意。

An Illinois man has been charged with first-degree murder in yesterday's church shooting.

伊利诺伊州一名男子被控在昨天的教堂枪击案中犯有一级谋杀罪。

Charles Milles Manson (November 12, 1934 -November 19, 2017) was an American criminal and cult leader. In mid-1967, he formed what became known as the "Manson Family" in California. His followers committed a series of nine murders at four locations in July and August 1969. Although the motive for the murders was disputed by Manson, the Los Angeles County District Attorney believed that Manson intended to start a race war. In 1971, he was convicted of first-degree murder and conspiracy to commit murder for the deaths of seven people, including the film actress Sharon Tate. The prosecution contended that, while Manson never directly ordered the murders, his ideology constituted an overt act of conspiracy.

查尔斯·米尔斯·曼森（1934年11月12日-192017年11月）是美国的一名罪犯和邪教领袖。1967年中期，他在加利福尼亚组建了后来被称为“曼森家族”。他的追随者在1969年7月和8月在四个地点犯下了9起连环谋杀案。尽管曼森对谋杀动机有异议，但洛杉矶县地方检察官认为，马伦森打算发动一场种族战争。1971年，他因七人死亡被判一级谋杀罪和

共谋谋杀罪，其中包括电影女演员莎朗·泰特。检方辩称，虽然曼森从未直接下令谋杀，但他的意识形态构成了明显的阴谋行为。

CAVEAT

caveat[ˈkæviæt]

1. A warning or caution 警告

The judge issued a caveat to the defense attorney to keep his questions simple.

法官向辩护律师发出警告，使他的问题简单明了。

2. A formal notice to a judge, public officer or court to postpone a proceeding until the merits of the notice is determined or the notifier has an opportunity to be heard. The party who files the caveat is known as the caveator.

中止诉讼手续的申请

In bankruptcy court, a creditor may file a caveat to be notified if anything is filed in their debtor's case.

在破产法庭上，债权人可以提出警告，如果债务人的案件中有任何情况需要通知。

ps: Caution! Wet Floor! 小心地滑

CHARGE

charge [tʃɑːdʒ]

1. n. an official claim made by the police that sb has committed a crime

指控;控告

He will be sent back to England to face a charge of(= to be on trial for) armed robbery.

他将被送回英国，面临持械抢劫的指控。

2. v. to accuse sb formally of a crime so that there can be a trial in court

控告;起诉

He was charged with murder.

他被控谋杀。

DAMAGES

damages ['dæmɪdʒɪz] n. 损害赔偿

The money awarded by a court to a claimant as compensation or imposed as a punishment for a financial loss or injury to person, property or rights.

赔偿金法院判给索赔人的赔偿金，或作为对人身、财产或权利的经济损失或伤害的惩罚而判给索赔人的钱。

Damages are distinguishable from costs, which are the expenses incurred as a result of bringing a lawsuit and which the court may order the losing party to pay.

损害赔偿与成本是有区别的，成本是由于提起诉讼而产生的费用，法院可以命令败诉方支付。

Mary hired Tom to fix her toilet. The work Tom did cause flooding and ruined Mary's carpet. The judge awarded Mary damages to cover the cost of fixing the toilet and replacing the carpet.

玛丽雇汤姆修厕所。汤姆的工作引起了洪水，毁坏了玛丽的地毯。法官判给玛丽赔偿金，以支付修理马桶和更换地毯的费用。

DEPOSITION

deposition [ˌdepəˈzɪʃn]

1. In litigation, a pretrial discovery proceeding outside the courtroom in which a party or witness gives sworn testimony under oath before a court reporter in response to written interrogatories and where there is an opportunity for cross-examination(盘问).

在诉讼中，在法庭外进行的一种审前发现程序，当事人或证人在法庭记者面前宣誓作证，以回应书面质询，并有机会进行质证

2. The written document created by the court reporter as a result of this pretrial discovery proceeding.

证词

A deposition usually takes place in the office of one of the lawyers, in the presence

of a court reporter, who transcribes what is said. Questions are asked and answered orally as if in court, with opportunity given to the adversary to cross-examine.

证词通常在其中一名律师的办公室里进行，法庭记者在场，记录所说的话。提问和回答都是口头的，就像在法庭上一样，给对手盘问的机会。

DOMESTIC VIOLENCE

domestic violence [də'mestɪk 'vaɪələns] 家庭暴力

An assault committed by an individual against a household member, or someone with whom they have a familial or intimate relationship.

家庭暴力一个人对家庭成员或与之有家庭或亲密关系的人所实施的攻击。

Yoshi's son was charged with domestic violence after punching Yoshi in the chest.

Yoshi 的儿子因殴打 Yoshi 的胸部而被指控犯有家庭暴力罪。

DOUBLE JEOPARDY

double jeopardy ['dʒepədi]

The constitutional prohibition under the Fifth (5th) Amendment against a person being put on trial more than once for the same offense after acquittal or conviction or multiple punishments for the same offense.

一案不二审；基本含义是一个人不能因同一行为或同一罪名受到两次或多次审判或处罚。

比如说一个人被起诉某项罪名，接受了法庭的审讯之后，也许被判有罪也许获判无罪，无论如何一旦判决确认了，那么检方就不能再次起诉他，使他“二次面临危险”，因此叫 the “Double Jeopardy” principle.

A defendant took a car without permission and later returns it to the victim. The defendant in court pleads guilty to joyriding. Next, the prosecutor seeks to charge the defendant with auto theft. For double jeopardy purposes, joyriding and car theft are charges for the same offense of illegal use of a vehicle. Since a defendant cannot receive multiple punishments for the same offense, these new charges would be prohibited by double jeopardy.

一名被告未经允许私自驾驶一辆汽车，后来将其归还给受害人。被告在法庭上承认乔伊骑马。

接下来，检察官试图以汽车盗窃罪起诉被告。出于双重危险的目的，驾车兜风和偷车是非法使用车辆的相同罪名。由于被告不能因同一罪行受到多重惩罚，这些新的指控将被禁止双重危险。

FOURTH AMENDMENT

fourth amendment [ə'mendmənt] 第四修正案

The 4th Amendment of the U.S. Constitution protects United States citizens from searches and seizures which are not based on probable cause.

了解美国宪法第四修正案，非常有助于看懂警匪片

The Fourth Amendment reads, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

第四条修正案规定：“人民的人身、房屋、证件和财物不受无理搜查和扣押的权利不应受到侵犯，不得签发搜查令，但应根据可能的理由，在宣誓或确认的基础上，特别说明搜查地点，以及被扣押的人或物”。

HARBOR

harbor['hɑ:bə] 庇护;窝藏

v. to protect someone or something bad, especially by hiding that person or thing when the police are looking for him, her, or it

crime of harboring a mafia(社会黑帮)-style syndicate(组织)

包庇、纵容黑社会性质组织罪

HOMICIDE

homicide['hɒmɪsaɪd] 故意杀人;(蓄意)杀人罪

n. The killing of one human being by another. Homicide is broader in scope than

murder.

The police arrived at the scene of the homicide.

警察到达了凶杀现场。

INNOCENT UNTIL PROVEN GUILT

innocent until proven guilty 无罪假定;无罪推定

The presumption of innocence principle which states that all people accused of a crime are considered to be free of culpability until a court or jury finds that the accused did commit the crime.

当某人遭受有罪指控时，在控方给出足够的证据证明嫌疑人犯有它所声称的罪行之前，他是无罪的。罪名未成立前被指控人都是无罪的。

This principle requires the government to prove the guilt of a criminal defendant and relieves the defendant of any burden to prove their innocence.

这一原则要求政府证明刑事被告有罪，并免除被告证明其无罪的任何负担。

The inmate was still considered to be innocent until proven guilty because the jury had not yet returned a verdict.

在被证明有罪之前，这个囚犯仍然被认为是无辜的，因为陪审团尚未作出裁决。

JAIL

jail [dʒeɪl] 监狱

n. A place of confinement(监禁，关押), which is smaller than a prison and usually holds persons convicted of misdemeanors(轻罪) or persons awaiting trial.

The teenager was arrested and taken to jail to await his arraignment(传讯) on theft charges.

JEOPARDY

jeopardy ['dʒepədi] (被告处于被判罪或受处罚的)危险境地

n. The condition of a person charged with a crime and thus in danger of conviction

and punishment.

The defendant was in jeopardy after he was charged with fifteen counts of larceny.

被告被指控犯有 15 项盗窃罪后处于危险之中。

JUDGE

judge [dʒʌdʒ] n. 法官;审判员

An elected or an appointed public official with the authority to hear and decide cases in a court of law.

A judge controls the proceedings in the courtroom and decides the questions of law.

法官控制法庭的程序并决定法律问题。

JUROR

juror [ˈdʒʊərə(r)] n. 陪审团成员;陪审员

Any person who actually serves as a member of the jury.

任何实际担任陪审团成员的人。

The juror was treated to a free breakfast and free lunch as well as paid the minimum hourly wage for their civil service in determining if the defendant was guilty or not guilty.

陪审员享受免费早餐和免费午餐，并为他们的公务员支付最低小时工资，以确定被告是否有罪。

MIRANDA RIGHTS

Miranda rights 米兰达权利, 又称米兰达警告

Requirement that police inform a suspect in their custody of his or her constitutional rights before they question him or her: specifically, the right to remain silent; that any statement made may be used against him or her; the right to an attorney; and if the person cannot afford an attorney, one will be appointed if he or she desires. Also known as MIRANDA WARNING.

是美国刑事诉讼中的犯罪嫌疑人保持沉默的权利，起源于 1966 年美国最高法院“米兰达诉亚利桑那州案”中由美国首席大法官 Earl Warren 所撰写的判决书。即犯罪嫌疑人、被告人在被讯问时，有保持沉默和拒绝回答的权利。

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.

你有权保持沉默。

2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

你对任何一个警察所说的一切都将可能被作为法庭对你不利的证据。

3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.

你有权在接受警察询问之前委托律师，他（她）可以陪伴你受讯问的全过程。

4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.

如果你付不起律师费，只要你愿意，在所有询问之前将免费为你提供一名律师。

5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

如果决定在没有律师在场的情况下回答问题，你仍然有权利在任何时候停止回答，直到你和律师谈话。

WAIVER

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU? HAVING THESE RIGHTS IN MIND. DO YOU WISH TO TALK TO US NOW?

弃权：了解和理解了向你解释的权利后，你愿意在没有律师在场的情况下回答我的问题吗？

NOT GUILT

not guilty ['gɪlti]

1. The form of verdict in criminal cases where the judge or jury finds that the prosecution has not proven the defendant to be guilty of a crime beyond a reasonable doubt or that the accused was insane at the time the crime was

committed.

无罪

Because the prosecution failed to prove that the defendant was present during the crime, the jury found her not guilty.

由于控方未能证明被告在犯罪期间在场，陪审团裁定她无罪。

2.A plea entered by a defendant in a criminal or civil case denying blame for the charges brought against them.

无罪(辩护) ;无罪(抗辩)

The defendant pled not guilty to all 10 charges of petty theft.

被告对所有 10 项小偷小摸的指控都不认罪。

OATH

oath [əʊθ]

1. n. Any type of attestation by which an individual signifies that he or she is bound in conscience to perform a particular act, either truthfully or faithfully.

(在法庭上的)宣誓

2.n. A solemn declaration of truth or obligation.

誓言，宣誓

Before giving evidence,witnesses in court have to take the oath.

The witness took an oath before the court to tell the truth, the whole truth and nothing but the truth.

证人在法庭上宣誓说实话，全部的真实，除了实话什么也不说

PETTY OFFENSE

petty offense ['peti] [ə'fens] n. 轻罪;轻微犯罪

An offense for which the authorized penalty does not exceed imprisonment for three months or a fine of five hundred dollars.

未经批准的刑罚不超过三个月监禁或五百美元罚款的罪行。

serious offense 严重犯罪

Tom's parking tickets were considered to be a petty offense.

汤姆的停车罚单被认为是轻罪。

PLAINTIFF

plaintiff ['pleɪntɪf] n. 原告

A person who initiates a lawsuit against another.

The lead plaintiff(第一原告) of the lawsuit is the University of California.

PLEA BARGAIN

PLEA BARGAIN[pli:] ['bɑ:gən] 诉讼交易，又称辩诉协议；认罪协议

A negotiation whereby the accused and the prosecutor in a criminal case work out a mutually satisfactory disposition of the case subject to court approval. Usually involves the defendant's pleading guilty to a lesser offense or to a lesser number of offenses.

指被告和检控官或公诉人之间达成的一项协议。一般来说，被告以承认有罪或对犯罪指控不予抗辩，来换取检控官取消或减轻对他的某些指控，或者请求法官提出令检控官和被告双方都能接受的特定判刑。在美国，90%多的刑事案件是通过诉讼交易或辩诉协议解决的，这意味着只有 10%的刑事案件是通过庭审解决的。

During the plea bargain, the defendant agreed to plead guilty in exchange for a reduced sentence.

在认罪协议中，被告同意认罪以换取减刑。

As part of his plea bargain, the defendant also agreed to stay away from the store he attempted to rob.

作为辩诉交易的一部分，被告还同意远离他企图抢劫的商店。

RECORD

record ['rekɔ:d, rɪ'kɔ:d] n. 前科，犯罪记录

The fact of having committed crimes in the past

Does he have a record?

他有犯罪前科吗？

RETAINER

retainer [rɪ'teɪnə(r)]

1.n. A contract between attorney and client specifying the nature of the services to be rendered and the cost of the services.

委托律师（合同）

The attorney required the new client to sign a retainer before any more work would be done on the case.

律师要求新委托人先签一份聘书，然后再处理此案。

2.n. The fee the client pays when he or she retains the attorney to act for him or her.

律师费

The lawyer set the retainer at five thousand dollars .

律师把定金定为五千美元。

SENTENCE

sentence ['sentəns]

n.the punishment given by a court 判决;宣判;判刑

a jail/prison sentence 判处监禁

a light/heavy sentence 轻判;重判

to be under sentence of death 被判处死刑

v. to say officially in court that sb is to receive a particular punishment

判决;宣判;判刑

to be sentenced to death/life imprisonment/three years in prison

被判死刑/终身监禁/三年徒刑

SPEEDY TRIAL

speedy trial ['spi:di]['traɪəl] 快速审判

For criminal prosecutions, the defendant has a right to demand a trial within a reasonably short period of time.

指根据法定规则和程序在法定期限内或在无不合理拖延的情况下进行的审判。

The right of an accused to a speedy trial as guaranteed by the 6th Amendment of the United States Constitution.

美国宪法第六修正案所保障的被告迅速受审的权利。

TESTIMONY

testimony ['testɪməni] n.证词;证言;口供

Oral evidence offered by a witness under oath, which is used to establish some fact or set of facts. Testimony is distinguishable from evidence that is acquired through the use of written sources, such as documents.

The witness's testimony was used to convict the criminal of the charges brought against them.

Can I refuse to give testimony?

UNCONSTITUTIONAL

unconstitutional [ˌʌnˌkɒnstɪ'tju:ʃənl] adj.违背宪法的

That which is contrary to or in conflict with the federal or state constitutions.

For example, laws that gave tax breaks only to African Americans were deemed unconstitutional.

VERDICT

verdict ['vɜːdɪkt] n. (陪审团的) 裁定, 裁决, 裁断

The opinion of a jury, or a judge where there is no jury, on the factual issues of a case.

The jury returned a verdict of not guilty.

陪审团裁定无罪。

Has the jury reached a verdict?

陪审团作出裁决了吗?

VIOLATION

violation [ˌvaɪə'leɪʃ(ə)n] n. 违反, 违背, 违犯(协议、法律或承诺)

an action that breaks or acts against something, especially a law, agreement, principle, or something that should be treated with respect.

The action is an open violation of the Vienna Convention.

该行为公然违背了《维也纳公约》。

WARRANT

warrant ['wɒrənt] n. 搜查令; 拘捕令; 执行令; 授权令

Most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search. An affidavit seeking a warrant must establish probable cause by detailing the facts upon which the request is based.

最常见的一种法院命令, 授权执法人员进行逮捕或搜查。寻求搜查令的宣誓书必须通过详述请求所依据的事实来确定可能的理由。

For example, the judge issued a warrant for the respondent's arrest after he failed to appear for the civil protection order hearing.

例如, 在被告未能出席民事保护令听证会后, 法官签发了逮捕令。

Demandant 原告

Police confirmed that they had issued a warrant for his arrest.

警方证实他们已经签发了逮捕令。

