


Criminal Actions



Lesson No. 12

ENV H 471
Environmental Health Regulation
Winter Quarter 2004

Lesson Overview



- ❖ Types of Criminal Sanctions
- ❖ Prosecution
- ❖ Rules of Evidence
- ❖ Rules of Testimony

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Lesson Objectives

- ❖ Understand the nature of criminal sanctions;
- ❖ Be able to determine the appropriate remedy for a particular situation; and,
- ❖ Understand how the rules of evidence and testimony affect the gathering, maintenance and presentation of information in a case.

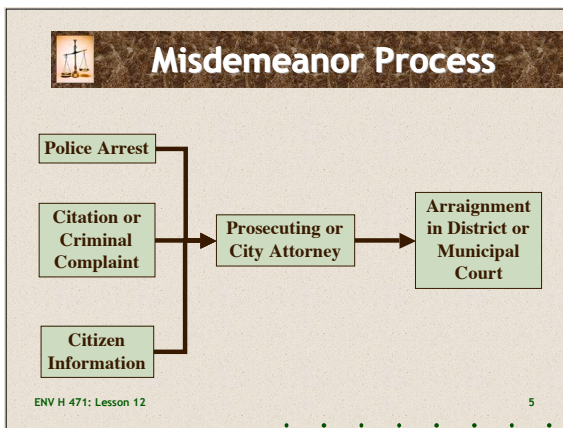
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Types of Sanctions

- ❖ Misdemeanors
- ❖ Felonies

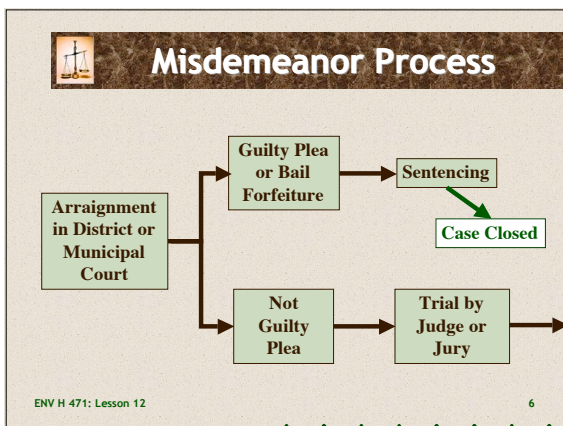
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Misdemeanor Process

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graph LR; A[Police Arrest] --> D[Prosecuting or City Attorney]; B[Citation or Criminal Complaint] --> D; C[Citizen Information] --> D; D --> E[Arraignment in District or Municipal Court];
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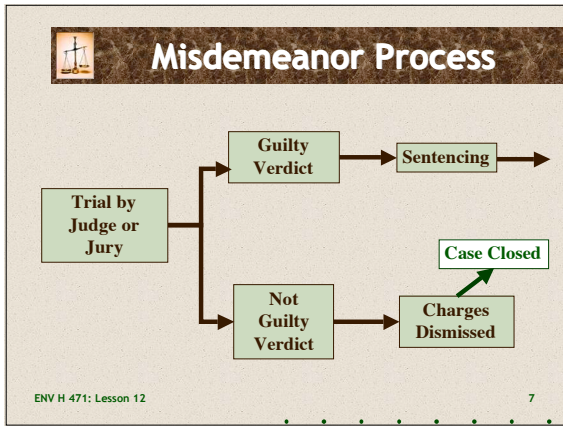
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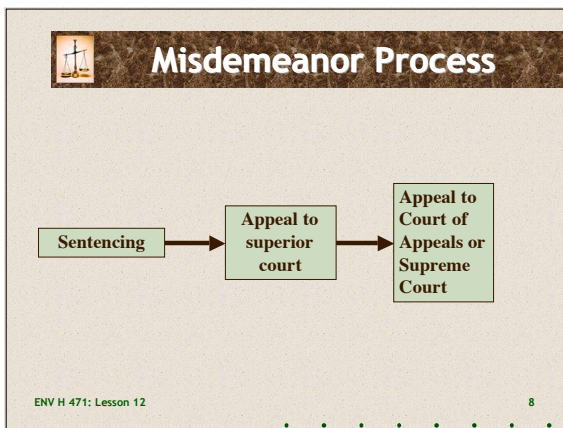


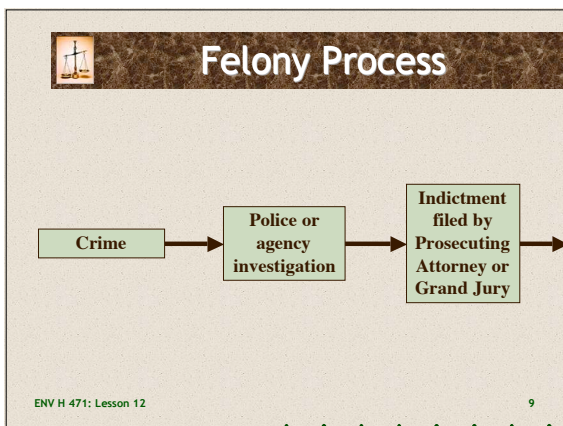
Misdemeanor Process

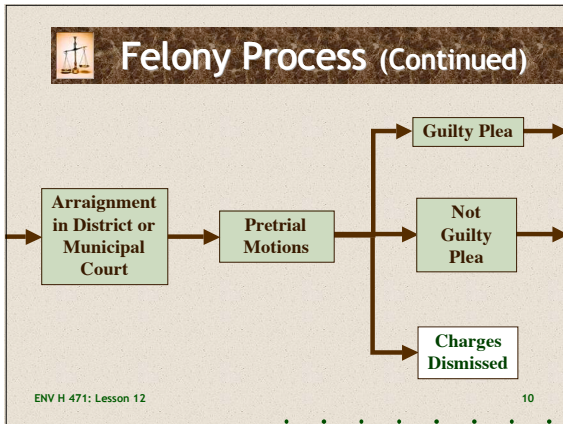
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graph LR; A[Arraignment in District or Municipal Court] --> B[Guilty Plea or Bail Forfeiture]; A --> C[Not Guilty Plea]; B --> D[Sentencing]; C --> E[Trial by Judge or Jury]; D --> F[Case Closed]; E --> G[ ];
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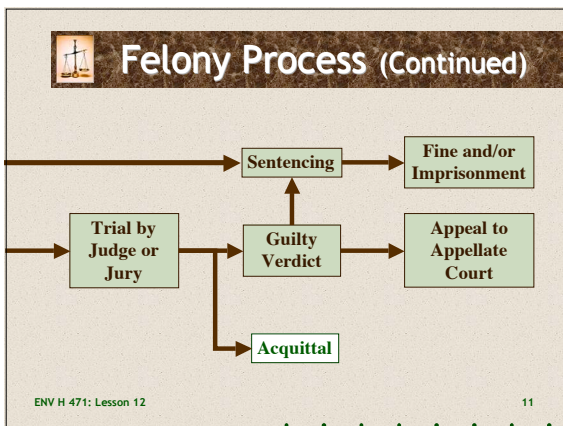
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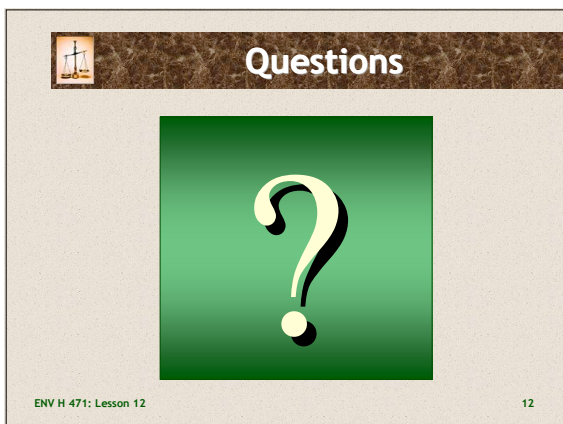
















Rules of Evidence

- ❖ Material and relevant
- ❖ Hearsay
- ❖ Proof
 - Burden of Proof
 - Degree of Proof


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Proof

- ❖ Burden of Proof
 - Beyond a reasonable doubt


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Rules of Testimony

- ❖ Relevancy
- ❖ Credibility
 - Hearsay
- ❖ Authenticity
 - Chain of Custody


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Relevancy

❖ **The testimony must relate directly to the issues involved in the controversy**

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Credibility

❖ **Witnesses offer the most credible evidence when:**

- **Testifying, orally or in writing, under the solemnity of a court-administered oath**
- **The declarant is present in court**
- **An adversary has an opportunity to cross-examine the declarant about the truth of the matter asserted.**

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Hearsay Testimony

Exceptions:


- ❖ **Out-of-court admissions of a party-opponent**
- ❖ **Declarations against interest**
- ❖ **Spontaneous declarations**
- ❖ **Past recollections recorded**
- ❖ **Regularly kept business records**
- ❖ **Official written statements and certificates**


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 **Authenticity**


❖ **Tangible items offered as evidence must be authenticated through testimony or certification**

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 **Questions**




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 **Next Lesson**


Civil Actions

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 **Assignment for Lesson 13**

- ❖ **Grad:**
 - Chapter 11 - Civil Sanctions, pp. 192 -205 and
 - Chapter 10 - Injunctions, pp. 181-191.
- ❖ **Statutes & Regulations:**
 - 15 USC 53 - *Toxic Substances Control Act* §2606 & 2614-2615.
 - 21 USC 9 - *Food, Drug and Cosmetic Act* §333.
 - 29 USC - *Occupational Safety & Health Act* §§658-660).
 - 42 USC 82 - *Resource Conservation and Recovery Act* §6928).

ENV H 471: Lesson 12 22

 **Assignment for Lesson 13**

- ❖ **Required Readings:**
 - Reading #23 - *FDA Food Service Sanitation Manual*, §10-602.
 - Reading #35 - Ligon, R. Legal Aspects of Disease Control Administration.
 - Reading #36 - Sikora, V. A., Proving Environmental Health Violations, *Journal of Environmental Health*, 1981, 43(4):195-200.
 - Reading #37 - *United States v. L. O. Ward*, 100 S.Ct. 2636 (1980). [Groups A, B & C]

ENV H 471: Lesson 12 23
