


Environmental Health Policy & Practice



Lesson 18.
**Legal
Actions**
4 May 2012

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ENV H 473: Community Responses to EH Hazards 2


Announcements

❖ **DEOHS Seminar:**

- *Mouse Models to Study the Genetic Susceptibility to Inhaled Environmental and Occupational Pollutants*
- **Terry Gordon, PhD**
Professor, Dept. of Environmental Health
New York University Medical Center
- **Thursday, 10 May 2012**
12:30 - 1:20 p.m.
Room T-435, Health Sciences Center

ENV H 311: Lesson 18 3


Lesson Overview



- ❖ **Criminal Actions**
- ❖ **Civil Actions**
- ❖ ***U.S. v. L.O. Ward***

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Criminal Actions



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

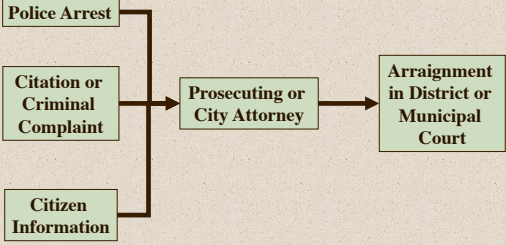
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Criminal Law

- ❖ **Types of Sanctions**
 - **Misdemeanors**
 - ✓ Misdemeanor
 - ✓ Gross Misdemeanor
 - **Felonies**

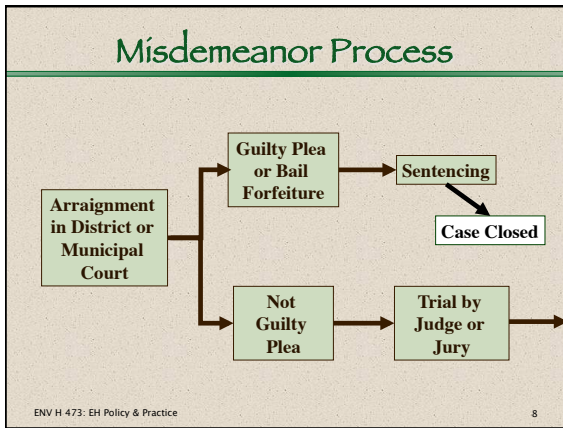
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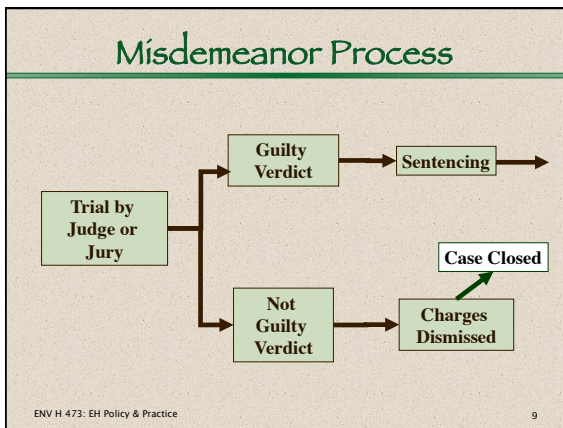
Misdemeanor Process

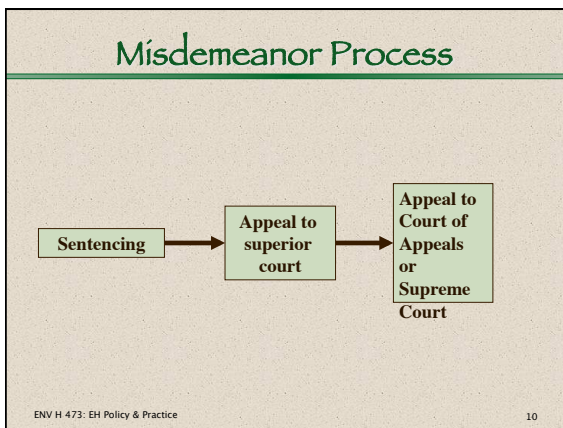


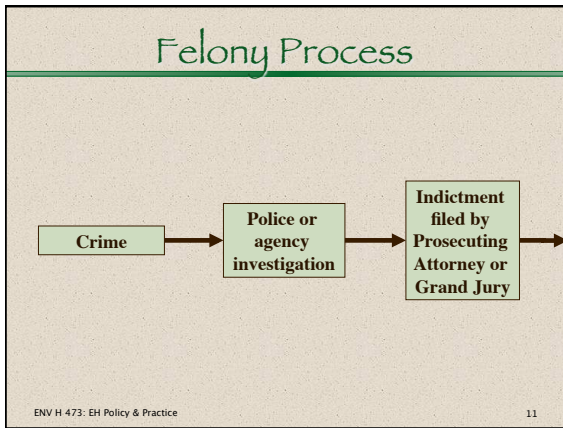
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graph LR; A[Police Arrest] --> C[Prosecuting or City Attorney]; B[Citation or Criminal Complaint] --> C; D[Citizen Information] --> C; C --> E[Arraignment in District or Municipal Court]
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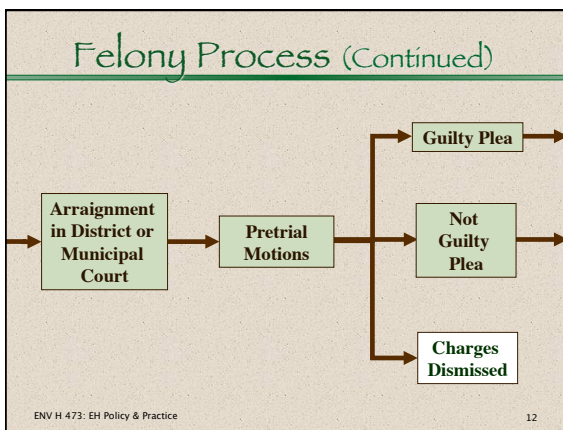
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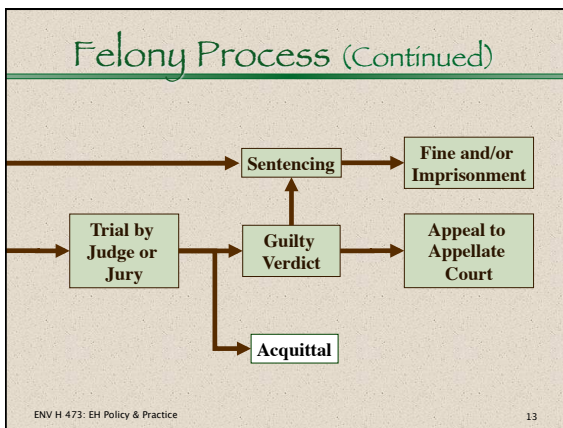













Rules of Evidence

- ❖ Material and relevant
- ❖ Hearsay
- ❖ Proof
 - Burden of Proof
 - ✓ On the prosecution
 - Degree of Proof
 - ✓ Beyond a reasonable doubt

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Civil Actions




- ❖ Types of Civil Actions
- ❖ Process
- ❖ Rules of Evidence
- ❖ Rules of Testimony

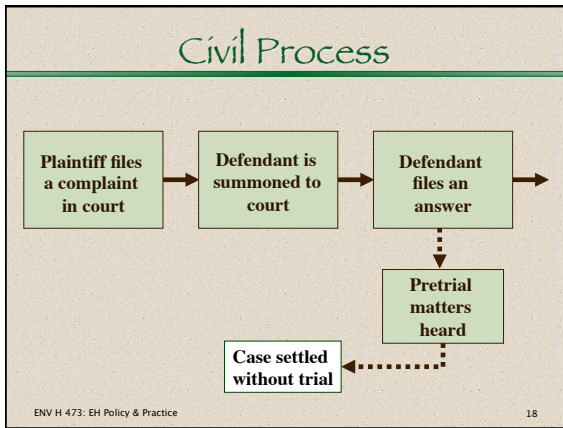
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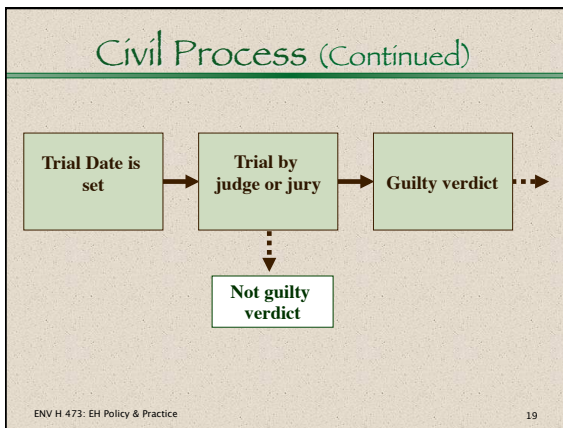
Types of Civil Actions

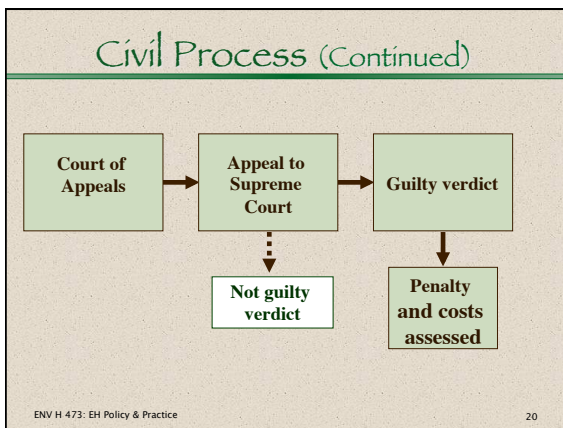
- ❖ Torts
- ❖ Civil Penalties
 - Damages
 - Punitive Damages
- ❖ Injunctions
 - Restraining Orders
 - Injunctions



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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**
 - **On the plaintiff**
- ❖ **Degree of Proof**
 - **Preponderance of the evidence**

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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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U.S. v. L. O. Ward

- ❖ **Facts**
 - Who did what to whom, when?
- ❖ **Arguments & Legal Issues**
 - Who's suing whom, for what, where?
 - Why?
- ❖ **Court History**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**

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Next Lesson

**Personal & Agency
Liability**

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