DOWNLOAD PDF A PATTERN FOR POWER : CHARLEMAGNES DELEGATION OF JUDICIAL RESPONSIBILITIES JENNIFER R. DAVIS

Chapter 1 : The Long Morning of Medieval Europe : Jennifer R. Davis :

"A Pattern for Power: Charlemagne's Delegation of Judicial Responsibilities," in The Long Morning of Medieval Europe: New Directions in Early Medieval Studies, ed. J.R. Davis and M. McCormick.

This section needs additional citations for verification. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. October Before [edit] Mexico in Nevada became a part of Alta California Upper California province in when the Californias were split. With the Mexican War of Independence won in , the province of Alta California became a territory state of Mexico, with a small population. When the Mormons created the State of Deseret in , they laid claim to all of Nevada within the Great Basin and the Colorado watershed. They also founded the first white settlement in what is now Nevada, Mormon Station modern day Genoa , in In June , William Bringhurst and 29 fellow Mormon missionaries from Utah arrived at a site just northeast of downtown Las Vegas and built a foot square adobe fort, the first permanent structure erected in the valley, which remained under the control of Salt Lake City until the winter of â€" The new areas acquired by the United States continued to be administered as territories. Separation from Utah Territory[edit] See also: The southern boundary is commemorated by Nevada Historical Markers 57 and 58 in Lincoln and Nye counties. Nevada in the American Civil War Eight days before the presidential election of , Nevada became the 36th state in the union. Finally the response from Washington DC on October 31, was "the pain is over, the child is born, Nevada this day was admitted into the Union". Nevada is one of only two states to significantly expand its borders after admission to the Union. The other is Missouri, which acquired additional territory in due to the Platte Purchase. In another part of the western Utah Territory was added to Nevada in the eastern part of the state, setting the current eastern boundary. Nevada achieved its current southern boundaries on January 18, , when it absorbed the portion of Pah-Ute County in the Arizona Territory west of the Colorado River, essentially all of present-day Nevada south of the 37th parallel. The transfer was prompted by the discovery of gold in the area, and officials thought Nevada would be better able to oversee the expected population boom. This area includes most of what is now Clark County and the Las Vegas metropolitan area. When Mark Twain lived in Nevada during the period described in Roughing It , mining had led to an industry of speculation and immense wealth. However, both mining and population declined in the late 19th century. Gambling and labor[edit] Gambling erupted once more following a recession in the early 20th century, helping to build the city of Las Vegas Unregulated gambling was commonplace in the early Nevada mining towns but was outlawed in as part of a nationwide anti-gambling crusade. Because of subsequent declines in mining output and the decline of the agricultural sector during the Great Depression , Nevada again legalized gambling on March 19, , with approval from the legislature. The last atmospheric test was conducted on July 17, , and the underground testing of weapons continued until September 23, The location is known for having the highest concentration of nuclear-detonated weapons in the U. The primary reason for this is homesteads were not permitted in large enough sizes to be viable in the arid conditions that prevail throughout desert Nevada. Instead, early settlers would homestead land surrounding a water source, and then graze livestock on the adjacent public land, which is useless for agriculture without access to water this pattern of ranching still prevails.

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Chapter 2 : Trending Topics | Revolvy

The long morning of medieval Europe: new directions in early medieval studies /.

Graham District Judge, Clarke Co. District Judge, Conecuh Co. Brock District Judge, Franklin Co. Arrington District Judge, Hale Co. Pl 3- Clotele Hardy "C. Pl 3- Stephanie A. Hunter District Judge, Jefferson Co. Pl Thomas E. Thrash District Judge, Jefferson Co. Pl Amyrtle M. Allen District Judge, Jefferson Co. Johnson District Judge, Lowndes Co. Grantham District Judge, Monroe Co. Silcox District Judge, Monroe Co. Pl 3- Tiffany B. Circuit Clerk, Barbour Co. Cave Circuit Clerk, Choctaw Co. Jenkins Circuit Clerk, Clarke Co. She learned all nine divisions of court and would be able to step in and assist the current staff. She left due to cutbacks and layoffs. She feels with her unique set of qualifications that she is the best candidate for the position. Box , Tuscumbia, AL. Blackmon Circuit Clerk, Greene Co. Muhammad Circuit Clerk, Jefferson Co. Parker Circuit Clerk, Jefferson Co. Circuit Clerk, Marengo Co. Hunter Circuit Clerk, Perry Co. James Circuit Clerk, Tuscaloosa Co. Whigham Circuit Clerk, Wilcox Co. King House District 10 Clifton Miller House District 15 Suzanna Coleman Suzanna is a lawyer and licensed social worker as well as a wife, mother, entrepreneur, and life-long advocate for people from all walks of life. Suzanna was raised to value hard work. Her dad was a mechanic and a decorated WWII veteran; her mom was a food warehouse clerk and member of the local union. Johnson House District 52 John W. Hubert House District 66 Susan E. Jones House District 86 Kristy M. House District 98 Napoleon Bracy, Jr. House District 99 Gregory L.

Chapter 3 : Candidate and Ballot Information

"A Pattern for Power: Charlemagne's Delegation of Judicial Responsibilities", in The Long Morning of Medieval Europe: New Directions in Early Medieval Studies, ed. J.R. Davis and M. McCormick (Aldershot: Ashgate,),

Banking and Transportation" Studies in Illinois Constitution Making The Institute of Government and Public Affairs at the University of Illinois authorized a series of monographs, Studies in Illinois Constitution Making, which examine the convention and deal with some questions about state constitutional revision. Its primary goal was "to recountâ€”in breadth and detailâ€”the events, personalities, strategies, conflicts, and resolutions which resulted in a new basic law for Illinois. Janet Cornelius, Constitution Making in Illinois, Cornelius updated her A History of Constitution Making in Illinois, which she had prepared for the Constitution Study Commission before the convention. That publication was also used by delegates to the convention. The New Illinois Bill of Rights Gertz, chairman of the Bill of Rights Committee of the convention, gave descriptions of his fellow Committee members and what issues were most important to them. He also summarized the work of the Committee, majority and minority opinions of the issues, and debate of proposed sections at the convention. Burman, Lobbying at the Illinois Constitutional Convention Burman discussed the role lobbyists played at the convention, what factors seemed to stimulate or discourage their participation, and what strategies they tried to use to influence delegates. He interviewed almost 90 lobbyists, delegates, and legislators both before and after the convention. Cohn, To Judge with Justice: History and Politics of Illinois Judicial Reform Gratch and Virginia H. Ubik, Ballots for Change: New Suffrage and Amending Articles for Illinois For insight into the motivations of Committee members, they sent a questionnaire to each. They asked members about their decisions to run to become a delegate, their political allegiance, their preference to work on the Committee, and their political aspirations. Fishbane and Glenn W. Fisher, Politics of the Purse: Fishbane and Fisher, who both worked for the Committee on Revenue and Finance, described the process by which the convention wrote the revenue and finance articles of the Constitution. Education for the People of Illinois Her research included interviews with Committee members, during which she asked questions about their backgrounds, the influence of witnesses and lobbyists, and whether their positions on education issues had been changed by the convention. David Kenney, Jack R. Van Der Slik, and Samuel J. The authors described and interpreted the voting behavior of convention delegates in an effort to correlate specific constituency and delegate characteristics with patterns of voting. Watson, Electing a Constitution: The Illinois Citizen and the Constitution Watson worked as a journalist and part time staff of the Local Government Committee. She described the campaigns for the convention, convention delegates, and ratification of the Constitution. She also analyzed voting patterns on the ratification question. Resolutions to Amend the Constitution As of April 18, , a total of resolutions had been introduced in the General Assembly proposing to amend the Illinois Constitution of Only 16 have been presented to the voters, of which nine have been approved. Reasons for year Referenda This LRU Research Response describes debates of delegates at the constitutional convention on the issue of the year referenda on calling a constitutional convention. To download, click here MB. The Committee was directed to reconvene all available members of the convention to assess how well the Constitution secured the rights and welfare of Illinoisans. Rock, who sponsored the resolution in the Senate, stated on the floor that the Committee would lay some of the groundwork for examining whether to call a constitutional convention. The delegates were divided into four groups to discuss five topics: Their discussions were facilitated and recorded by volunteer faculty members of Sangamon State and Southern Illinois Universities; 24 members of the Committee of 50 attended as observers. The group discussed ways in which the Constitution was working as intended, and how it could be improved. Overall, the former delegates did not believe that a constitutional convention in was necessary. They adopted a resolution stating: We are generally well pleased with the product of our labors of and believe that such changes as may be desirable can be handled by legislation, interpretation, or the amendment process. It directs the General

Assembly, when the question whether a convention should be called is required to be submitted to voters, to prepare a voter pamphlet containing a brief explanation of the call; a brief argument in favor of the call; and a form in which the call will appear on a separate ballot. Legislators opposing the calling of a convention or if none oppose it, anyone designated by the General Assembly must prepare a brief argument against the call. These statements, and the form in which the call will appear, are to be filed with the Secretary of State at least 1 month before the general election at which the question of calling a convention will be submitted to the voters. The Secretary of State must publish the question in at least one newspaper in each county; at least two newspapers in any county with more than one newspaper; and at least six newspapers in any county of at least 1 million. The Secretary of State must also mail a pamphlet containing the statements and form to each mailing address in the state. The resolution was adopted by the Senate in May, and by the House in June. The Joint Committee consisted of eight legislatorsâ€”two appointed by each of the four legislative leaders. It was to "direct the preparation" of the voter guide required by Public Act The resolution required the Joint Committee to file a report containing the text of the voter pamphlet with the General Assembly by June 24, It also called on the General Assembly to adopt the report by majority vote and certify it to the Secretary of State. The resolution was adopted July 1, It contains the text for the voter pamphlet. Its four arguments in favor of holding a convention were: Arguments against holding a convention were: Also, many issues raised by supporters of a convention are legislative, not constitutional. The April edition of its publication, Intergovernmental Issues, included an article estimating costs of a constitutional convention. ICIC assumed that a convention would follow procedures like those of the convention, rather than predicting that a new convention would not be as long as the one because the entire Constitution would not be rewritten. Garvey examined additions to the Bill of Rights in the Illinois Constitution, and argued that the following issues would likely be debated if a constitutional convention were held in

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Chapter 4 : Blog - Alabama Democrats

Part 4 Practices of power in an early medieval empire, Michael McCormick; Charlemagne and empire, Janet L. Nelson; A pattern for power: Charlemagne's delegation of judicial responsibilities, Jennifer R. Davis; Practices of property in the Carolingian empire, Matthew J. Innes; The cunning of institutions, Stuart Airlie.

Subjects Description Recent advances in research show that the distinctive features of high medieval civilization began developing centuries earlier than previously thought. The era once dismissed as a "Dark Age" now turns out to have been the long morning of the medieval millennium: In , historians, art historians, archaeologists, and literary specialists from Europe and North America convened at Harvard University for an interdisciplinary conference exploring new directions in the study of that long morning of medieval Europe, the early Middle Ages. They examine the archaeology of slave labor, economic systems, disease history, transformations of piety, the experience of power and property, exquisite literary sophistication, and the construction of the meaning of palace spaces or images of the divinity. The book illustrates in an approachable style the vitality of research into the early Middle Ages, and the signal contributions of that era to the future development of western civilization. The chapters cluster around new approaches to five key themes: The editors summarize the whole in a synoptic introduction. All Latin terms and citations and other foreign-language quotations are translated, making this work accessible even to undergraduates. The Long Morning of Medieval Europe: New Directions in Early Medieval Studies presents innovative research across the wide spectrum of study of the early Middle Ages. It exemplifies the promising questions and methodologies at play in the field today, and the directions that beckon tomorrow. Foreword; The early Middle Ages: Davis and Michael McCormick. Part 1 Discovering the early medieval economy, Michael McCormick; Rethinking the structure of the early medieval economy, Chris Wickham; Strong rulers - weak economy? Part 2 Sounding early medieval holiness, Michael McCormick; Latin hagiography before the 9th century: Part 3 Representation and reality in the artistry of early medieval literature, Michael McCormick; Observations on early medieval weather in general, bloody rain in particular, Paul Edward Dutton; The King says No: Ziolkowski; Representations and reality in early medieval literature, Danuta Shanzer. Nelson; A pattern for power: Davis; Practices of property in the Carolingian empire, Matthew J. Innes; The cunning of institutions, Stuart Airlie.

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Chapter 5 : Nevada - Wikipedia

A pattern for power: Charlemagne's delegation of judicial responsibilities / Jennifer R. Davis Practices of property in the Carolingian empire / Matthew J. Innes The cunning of institutions / Stuart Airlie.

This Essay provides a framework for assessing the usefulness and limitations of fiduciary political theory. Our thesis is that fiduciary principles can be fruitfully applied to many domains of public law. However, other domains are incompatible with the basic structure of fiduciary norms. In these domains, fiduciary political theory is less likely to be viable. One contribution of this Essay is to describe the underlying structure of fiduciary norms. We identify three features of these norms that differentiate them from norms of contract, tort, and criminal law. First, fiduciary norms impose deliberative requirements: Second, complying with fiduciary norms requires a special conscientiousness. Living up to a fiduciary obligation depends not only on how an agent behaves and deliberates, but also on whether she does so for the right reasons. We use these insights to assess applications of fiduciary principles to theories of judging, administrative governance, and international law. A fiduciary theory of judging can explain certain aspects of the norms of judging better than alternative theories offered by Ronald Dworkin and Judge Richard Posner. The viability of a fiduciary theory of administrative governance is an open question. Whether this kind of fiduciary political theory is superior to alternatives like the instrumentalist theory of administrative governance developed by Adrian Vermeule turns on a deeper dispute about whether administrative law reflects a culture of justification. Finally, a fiduciary political theory of international law like the one defended by Evan Fox-Decent and Evan Criddle is unlikely to succeed. Fiduciary norms are structurally incompatible with the domain of international law because compliance with international-law norms is a function of how states behave, rather than how they deliberate or why they behave as they do. We thank our home institutions for research support. Thanks also to the editors of the Yale Law Journal and several referees, whose careful engagement with our manuscript improved our arguments. Several fiduciary political theorists address environmental and Indian law, 3 where legal doctrines most explicitly invoke fiduciary concepts. Democratic theorists also invoke fiduciary principles to analyze the inevitability of discretion and the need for constraint that arise in basic questions of political representation and political legitimacy. In these domains, fiduciary political theory is not viable. The main contributions of this Essay are to reveal the underlying structure of fiduciary norms and to show when fiduciary political theorizing is likely or unlikely to work. Fiduciary political theory is not viable in public-law domains where any of these core features of fiduciary norms are inapposite. In other words, fiduciary political theorizing is unlikely to work in legal contexts where behavior, rather than deliberation, is the coin of the realm; where any way of conforming to a norm counts as living up to it; or where norms do not impose robust demands. Part I of this Essay develops the claim that fiduciary norms should be applied only in public-law contexts that are compatible with the basic structure of fiduciary norms. It then provides a framework for determining whether and when fiduciary political theorizing is likely to be viable. Part II analyzes several recent efforts to apply fiduciary principles to domains of public law through the framework developed in Part I: Whether the fiduciary theory is superior to alternatives like the instrumentalist theory of administrative governance developed by Adrian Vermeule 18 turns on a deeper dispute about whether administrative law reflects a culture of justification. Finally, our analysis suggests that fiduciary political theories of international law are unlikely to succeed. A and then in Section I. B provides a framework to analyze when fiduciary norms are compatible with a domain of public law. Limiting the Expansion of Fiduciary Norms A fiduciary relationship traditionally emerges in contexts where one person the fiduciary has discretionary power over the assets or legal interests of another the beneficiary. In relationships exhibiting these indicia, a fiduciary is subject to specific duties—usually, duties of loyaltyandcare—that govern her actions on behalf of the beneficiary. There are several good reasons to interpret public-law relationships in light of fiduciary norms. First, there is considerable historical precedent for thinking about public-law relationships in this way. Third, fiduciary

political theories are grounded in inherent features of authority, rather than the consent of the governed. Thus, the fiduciary political theorist can address fundamental questions about political authority while avoiding issues related to consent that have befuddled political theorists particularly those in the social-contract tradition for hundreds of years. Despite these synergies, some scholars doubt the viability of fiduciary political theory on the basis of putative disanalogies between public and private law. Such skepticism does not indict fiduciary political theory as such. Our focus here is on a broader, more structural concern. The most serious possible objection to fiduciary political theoryâ€”one that threatens the enterprise as suchâ€”is that private-law fiduciary norms are fundamentally incompatible with the structure of public-law norms. The Structure of Fiduciary Norms What, then, are the features of fiduciary norms that determine the viability of fiduciary political theory? Attempts to answer this question have proven contentious. Scholars of fiduciary law disagree about the contours and content of fiduciary norms. For example, they disagree about the bases of fiduciary norms, what obligations they impose, and how fiduciary norms differ from nonfiduciary norms. Rather, abstracting from disagreements about the substance of fiduciary norms exposes important structural features of fiduciary norms. In this Section we identify three such structural features that are crucial to understanding how fiduciary norms differ from other kinds of legal norms. Our analysis does not presuppose any particular substantive account of the grounds, contours, or content of fiduciary norms. As such, each of the features we identify can be appreciated by almost all fiduciary legal and political theorists. An agent who does not deliberate in the way that a fiduciary norm calls for thereby fails to live up to that norm, no matter how she behaves. Second, fiduciary norms impose standards of conscientiousness Section I. Third, fiduciary norms are robustly demanding Section I. Although some of these features characterize other types of legal norms, fiduciary norms are unique in being simultaneously characterized by all three. In the remainder of this Section, we explain each of these features and their implications. To demonstrate why the coincidence of these features is distinctive to fiduciary norms, we provide comparisons to other types of legal norms, particularly the norms of contract, tort, and criminal law. Deliberation Norms typically govern behavior. For example, tort-law norms are, in general, deliberation insensitive: How an individual deliberates determines, in part, whether she is subject to criminal liability. However, the deliberation sensitivity of criminal norms differs from that of fiduciary norms. In judging whether someone has lived up to a criminal norm, behavior is a threshold issue. To illustrate the special deliberation sensitivity of fiduciary norms, consider a modified version of an example developed by Ken Simons A medical procedure involves cutting a tendon. This procedure is highly risky: Danielle Doctor is a physician who has badly botched every such procedure that she has performed to date. During the procedure, Danielle, by luck, guesses the correct tendon to cut and thus performs the procedure in exactly the way that a competent physician would. However, Paul is among the unlucky thirty percent of patients who sustain injury when the procedure is performed correctly. The Operation case illustrates the deliberative aspects of criminal and fiduciary norms, regardless of whether either type of norm actually applies to physicians like Danielle in this or any legal system. Simons contends that Danielle would not be subject to criminal liability in Operation. If fiduciary norms applied to Danielle, then she would have failed to live up to them because her faulty pattern of deliberation is an instance of both carelessness and disloyalty. Fiduciary norms therefore reject the manifestation requirement. Disloyalty or carelessness can constitute a violation of these norms, regardless of whether or how these mental states are revealed in behavior. Since fiduciary norms reject the manifestation requirement, it follows that Danielle would violate her fiduciary duties in this alternative scenario. Our analysis so far has concerned negligence, or the failure to appreciate a substantial and unjustifiable risk of which one should have been aware. However, our conclusions seem even stronger when applied to more involved mental states, like the mens rea of purpose that forms the core of attempt liability. There is no such thing as tort or contract liability for attempt. In general, failed attempts to harm someone do not violate tort norms. Likewise, someone who tries his best to breach a contract but winds up performing anyway does not necessarily violate contractual norms. Criminal norms, of course, prohibit attempts. Someone who tries but fails to assault another person commits a crimeâ€”namely, the crime of attempt, rather than the

crime of assault. Fiduciary norms seem to prohibit attempts as well. A fiduciary who tries to betray her principal has been disloyal, regardless of whether these efforts succeed. Here, too, there are differences in how deliberation matters, as demonstrated by the following scenario: Assume the same medical procedure and protagonists as in Operation. Paul Patient asks Danielle Doctor to perform the operation on him. Danielle determines that she dislikes Paul, and she forms a plan to cut the wrong tendon during the operation, which will cause Paul excruciating pain. Has Danielle attempted to harm Paul in Wicked Operation? If traditional criminal norms applied in this case, then Danielle would almost certainly not have violated them at the point where the scenario cuts off. In general, criminal norms prohibiting attempts require not only that the defendant have the purpose to commit an object crime, but also that she take some action toward the commission of that crime. Her behavior, however, would not satisfy any existing formulation of the act requirement for attempt. Danielle has not attempted to injure Paul because her plan has not yet been manifest in her behavior. Fiduciary norms do not support the same conclusion. Regardless of whether she has attempted to harm Paul, Danielle hasviolated a fiduciary obligation to him. It does not matter whether your intention is ever manifest in behavior leading toward a result. Intuitively, then, having a firm plan to harm someone who has trusted you is not merely an attempted betrayal; it is a betrayal. Beyond these intuitions, the rejection of the manifestation requirement coheres with several structural features of fiduciary norms. They impose demands on both behavior and deliberation. Unlike criminal norms, however, fiduciary norms reject the manifestation requirement. Specific patterns of deliberation can violate fiduciary norms regardless of how or whether they are connected with behavior. Conscientiousness Norms have conditions of success. Because following is so demanding, some commentators see conformity as the default mode of complying with a norm.

Chapter 6 : Yale Law Journal - Fiduciary Political Theory: A Critique

Charlemagne's Delegation of Judicial Responsibilities," , and, with McCormick, "The Early Middle Ages: Europe's Long Morning," The author thanks Thomas Bisson and Katherine L. Jansen for reading and commenting.

No appearance for Respondent. Wilkinson and Blair W. Supreme Court of California. In recent years, the Legislature has enacted a number of statutory provisions which recognize the authority of local entities to adopt pretrial diversion programs for persons charged with misdemeanors. Although the Court of Appeal concluded that both the general statutory provision and the particular local rule at issue here violate the constitutional separation-of-powers doctrine, as we shall explain we find no constitutional or other infirmity in either the challenged statutory provision or the local rule. Accordingly, we reverse the Court of Appeal judgment. I This writ proceeding arises out of a criminal prosecution brought in San Francisco. Under the governing statutes, grand theft is a so-called "wobbler" â€” i. Prior to the preliminary hearing, the municipal court, acting pursuant to its authority under section 17, subdivision b 5 , reduced the grand theft charge to a misdemeanor. Thereafter, defendant sought pretrial diversion. At the time, San Francisco had instituted a pretrial misdemeanor diversion program which had been drafted by the district attorney in conjunction with a committee of local judges, attorneys and others involved in the criminal justice system, and which had been finally approved by the district attorney. The diversion program â€” which, as prescribed by section With respect to defendants charged with a wobbler, the diversion guidelines provided that when the wobbler had originally been filed as a felony, the defendant was absolutely ineligible for diversion; when the wobbler had originally been charged as a misdemeanor, the defendant was presumptively ineligible for diversion but could be found eligible for diversion under some circumstances. The superior court denied the writ. Defendant then filed the present writ proceeding in the Court of Appeal. Because of the importance of the issues we granted review. II As noted above, the San Francisco misdemeanor diversion program at issue here was adopted pursuant to chapter 2. No person shall be diverted under a program unless it has been approved by the district attorney Wright 30 Cal. Because this conclusion, if correct, might well invalidate the entire misdemeanor diversion program at issue here â€” as well as all misdemeanor diversion programs throughout the state â€” we address this issue first. We begin with the legislative history of chapter 2. The current version of chapter 2. In creating that initial program, the Legislature itself prescribed the eligiblity requirements for diversion, providing 1 that only defendants who had been charged with specifically enumerated drug offenses could be considered for diversion, and 2 that of the defendants so charged, only those who satisfied a series of additional designated prerequisites could qualify for diversion. Tapia Cal. As a consequence, the funding of some of the local programs was threatened and other district attorneys, who had been considering implementing such programs, became reluctant to go ahead with such plans. To meet this problem, the Legislature in adopted as an urgency measure the predecessor of the current chapter 2. The legislation did not establish a general, state-mandated diversion program, but rather expressly declared that the Legislature did not intend to preempt the pretrial diversion field. The enactment provided that it would remain in effect until January 1, ; in , the legislation was extended for an additional two-year period. After evaluating the information generated by the experimental local diversion programs sanctioned by the legislation, the Legislature in adopted two separate but related pretrial diversion statutes, the current chapter 2. The revised version of chapter 2. The revision of chapter 2. Second, the revision added the section of chapter 2. A number of points emerge from this review of the legislative history of chapter 2. Padfield Cal. Tapia, supra, Cal. Thus, although the ascertainment of facts based upon evidence taken in the course of a formal hearing is normally associated with an exercise of the judicial power, it may be entirely proper in the exercise of legislative or executive power [citations] Similarly, although it is normally the duty of the legislature to make the determinations of fact upon the basis of which legislation is to become effective, that duty may properly be devolved upon members of the executive branch of the government. Riley 18 Cal. Indeed, as a leading

commentator on the separation-of-powers doctrine has noted: The exercise of such quasi-legislative authority, even when the policy decision that is made by the executive or judicial entity or official is one that could have been made by the Legislature, has never been thought to violate the separation-of-powers doctrine. Southard 23 U. Hayes U. Superior Court 19 Cal. Adams 43 Cal. See generally Prosecutorial Discretion Cont. Relating to the Prosecution Function 2d ed. Glover Cal. Over the past two decades, district attorneys throughout the country have frequently fashioned eligibility requirements for pretrial diversion programs in the absence of specific legislative authorization. In conditioning the application of chapter 2. In a number of other contexts, the Legislature has established the eligibility criteria for diversion itself and has not left the policy questions of the design of the program to the district attorney. In other states, diversion programs have been implemented by the judiciary without a prosecutorial veto. Leonardis 71 N. See generally Nixon v. Administrator of General Services U. Accordingly, we conclude that section Defendant maintains that the local rule is incompatible with two distinct statutory provisions and, in any event, is unconstitutional as a violation of both the separation-of-powers and equal protection doctrines. We begin with the statutory argument. A 12b Defendant relies on two statutory provisions to support her claim that the Legislature did not intend to authorize a local entity to adopt the "wobbler" rule in question here. First, she contends that the rule conflicts with a portion of chapter 2. As the People point out, because section The People maintain that the quoted sentence cannot sensibly be construed to prohibit the adoption of any eligibility requirement that renders a class of defendants ineligible for diversion on the basis of the offense with which they are charged. Alternatively, defendant contends that the local rule conflicts with section 17, subdivision b 5 which declares that a wobbler filed as a felony "is a misdemeanor for all purposes" when a magistrate "determines that the offense is a misdemeanor, in which event the case shall proceed as if the defendant had been arraigned on a misdemeanor complaint. The People suggest, in response, that the "for all purposes" phrase must be read in relation to the portion of subdivision b 5 which stipulates that the case shall proceed "as if the defendant had been arraigned on a misdemeanor complaint," arguing that, when construed as a whole, the subdivision should not be read to render a defendant, who was initially charged with a felony, eligible for diversion as if the offense had been "filed as a misdemeanor. As we have explained, while chapter 2. That model misdemeanor diversion program contains both a section with the same language as section Thus, as a matter of statutory interpretation, we conclude that the challenged local rule does not violate the legislative design. B 13b Defendant alternatively contends that even if the Legislature intended to permit a locality to adopt the wobbler rule in question, San Francisco was nonetheless constitutionally precluded from adopting or applying such a rule by virtue of the separation-of-powers doctrine. With regard to this issue, defendant does not argue that the local rule involves an invalid delegation of legislative authority to the district attorney, but instead relies on an entirely separate facet of the separation-of-powers doctrine. Tenorio 3 Cal. The wobbler rule at issue here represents no greater an infringement on the judicial power than any other provision of a diversion program which defines the class of defendants who are eligible or ineligible for diversion by reference to the offense with which a defendant is charged, provisions that are routinely embodied in virtually all diversion programs. Indeed, because the rule in question simply excludes from the diversion program defendants against whom felony charges are filed, the rule does no more than carry out the directive of section District attorneys are continually faced with factual situations outside the wobbler context which would legally support the filing of either felony or misdemeanor charges. The fact that in many, if not most, felony cases there will be at least some misdemeanor which the prosecutor could have chosen to charge if he determined that such lesser charge was appropriate has, of course, never been thought to invalidate all misdemeanor diversion programs. Like other defendants who are ineligible for misdemeanor diversion because they have been charged with a felony, a defendant who is charged with a felony wobbler is ineligible for such diversion primarily because the district attorney has cause to believe that he or she has committed misconduct which is punishable as a felony; the fact that the prosecutor may have had discretion to charge the defendant with a misdemeanor rather than a felony does not give such a defendant the constitutional right to be treated as if he had been charged with the lesser

offense. As we shall see, in all of those cases the challenged statutory provisions purported to give a prosecutor the right to veto a decision made by a court after criminal charges had already been filed. We begin with the seminal decision in Tenorio, supra, 3 Cal. In Tenorio, the court addressed a statutory provision which gave the district attorney the power to preclude a trial court from exercising its long established discretion, under Penal Code section , to strike a prior offense for the purposes of sentencing. Burke 47 Cal. The judicial power must be independent, and a judge should never be required to pay for its exercise. Municipal Court 5 Cal. As stated in Tenorio: Thus, Esteybar expressly emphasized the timing of the exercise of prosecutorial discretion as a crucial factor in the Tenorio analysis. All of the subsequent cases applying Tenorio to invalidate legislative provisions have similarly involved statutes which authorized the exercise of a prosecutorial veto after the filing of criminal charges, when the criminal proceeding has already come within the aegis of the judicial branch. Clay 18 Cal. Navarro 7 Cal. Superior Court 11 Cal. On Tai Ho and Sledge both dealt with the statutory drug abuse diversion program, discussed briefly above, which was enacted by the Legislature in If the defendant met the minimum criteria, the case was referred to the probation department for an investigation and report, and then the trial court, after a hearing on the matter, determined whether diversion was appropriate in the particular case. Even if the court found diversion appropriate, however, the statute gave the district attorney the power to veto the ultimate diversion decision. In rejecting that argument in the context of the procedure at issue in that case, the On Tai Ho court stated: By the time the case goes through the probation investigation and report prescribed in section Thus, as in all of the earlier Tenorio cases, the constitutional defect in the statute was that it interposed a prosecutorial veto at the "judicial" stage of a criminal proceeding, when the case was already "before the court" for disposition. Taken together, On Tai Ho and Sledge establish that when a district attorney is given a role during the "judicial phase" of a criminal proceeding, such role will violate the separation-of-powers doctrine if it accords the district attorney broad, discretionary decisionmaking authority to countermand a judicial determination, but not if it only assigns the district attorney a more limited, quasi-ministerial function. Indeed, although neither On Tai Ho nor Sledge referred to the point, the pretrial diversion scheme at issue in those cases did in fact afford the district attorney just such authority. As noted above, under the relevant statute diversion was available only when a defendant was charged with one of six specifically enumerated drug offenses. In many instances, of course, the evidence before the district attorney would inevitably require him to decide whether to charge the defendant with one of the enumerated offenses or with a different or greater offense. Nothing in On Tai Ho or Sledge suggests that the existence of such discretionary charging authority in the district attorney violated the separation-of-powers doctrine or rendered the diversion program constitutionally infirm. Adams, supra, 43 Cal. In support of his argument, defendant specifically relied on Tenorio, supra, 3 Cal.

Chapter 7 : Staff View: The long morning of medieval Europe :

"A Pattern for Power: Charlemagne's Delegation of Judicial Responsibilities," in The Long Morning of Medieval Europe: New Directions in Early Medieval Studies.

Etymology A copper mine in Cyprus. In antiquity, Cyprus was a major source of copper. The etymology of the name is unknown. It has been suggested, for example, that it has roots in the Sumerian word for copper zubar or for bronze kubar , from the large deposits of copper ore found on the island. The terms Cypriote and Cyprian are also used, though less frequently. History Archeologic site of Khirokitia with early remains of human habitation during Aceramic Neolithic period reconstruction Early Greek colonization of Cyprus Prehistoric and Ancient Cyprus Main articles: Prehistoric Cyprus and Ancient history of Cyprus The earliest confirmed site of human activity on Cyprus is Aetokremnos , situated on the south coast, indicating that hunter-gatherers were active on the island from around 10, BC , [44] with settled village communities dating from BC. The arrival of the first humans correlates with the extinction of the dwarf hippos and dwarf elephants. The revolt was suppressed, but Cyprus managed to maintain a high degree of autonomy and remained oriented towards the Greek world. Following his death and the subsequent division of his empire and wars among his successors , Cyprus became part of the Hellenistic empire of Ptolemaic Egypt. It was during this period that the island was fully Hellenized. Under Byzantine rule, the Greek orientation that had been prominent since antiquity developed the strong Hellenistic-Christian character that continues to be a hallmark of the Greek Cypriot community. A year later Richard sold the island to the Knights Templar , who, following a bloody revolt, in turn sold it to Guy of Lusignan. Venice formally annexed the Kingdom of Cyprus in , following the abdication of Catherine. Throughout Venetian rule, the Ottoman Empire frequently raided Cyprus. In the Ottomans destroyed Limassol and so fearing the worst, the Venetians also fortified Famagusta and Kyrenia. It is now accepted that the medieval period saw increasing numbers of Greek Cypriots elevated to the upper classes, a growing Greek middle ranks , [58] and the Lusignan royal household even marrying Greeks. Ottoman Cyprus In , a full-scale Ottoman assault with 60, troops brought the island under Ottoman control, despite stiff resistance by the inhabitants of Nicosia and Famagusta. Ottoman forces capturing Cyprus massacred many Greek and Armenian Christian inhabitants. In a reversal from the days of Latin rule, the head of the Church of Cyprus was invested as leader of the Greek Cypriot population and acted as mediator between Christian Greek Cypriots and the Ottoman authorities. This status ensured that the Church of Cyprus was in a position to end the constant encroachments of the Roman Catholic Church. In response, the Ottoman governor of Cyprus arrested and executed prominent Greek Cypriots, including the Archbishop of Cyprus, Kyprianos , and four other bishops. After centuries of neglect by the Turks, the unrelenting poverty of most of the people, and the ever-present tax collectors fuelled Greek nationalism, and by the 20th century idea of enosis , or union, with newly independent Greece was firmly rooted among Greek Cypriots. They persisted sometime after Ottoman rule ended and then increased rapidly during the twentieth century. Modern history of Cyprus Hoisting the British flag at Nicosia In the aftermath of the Russo-Turkish War â€" and the Congress of Berlin , Cyprus was leased to the British Empire which de facto took over its administration in though, in terms of sovereignty, Cyprus remained a de jure Ottoman territory until 5 November , together with Egypt and Sudan [12] in exchange for guarantees that Britain would use the island as a base to protect the Ottoman Empire against possible Russian aggression. The offer was declined. In , under the Treaty of Lausanne , the nascent Turkish republic relinquished any claim to Cyprus, [74] and in it was declared a British crown colony. The Greek Cypriot population, meanwhile, had become hopeful that the British administration would lead to enosis. The idea of enosis was historically part of the Megali Idea , a greater political ambition of a Greek state encompassing the territories with Greek inhabitants in the former Ottoman Empire, including Cyprus and Asia Minor with a capital in Constantinople , and was actively pursued by the Cypriot Orthodox Church , which had its members educated in Greece. Nationalistic slogans

centred on the idea that "Cyprus is Turkish" and the ruling party declared Cyprus to be a part of the Turkish homeland that was vital to its security. The slogan "Partition or Death" was frequently used in Turkish Cypriot and Turkish protests starting in the late s and continuing throughout the s. Restricted autonomy under a constitution was proposed by the British administration but eventually rejected. T despite its illegal actions so as not to harm British relations with the Turkish government. Cyprus had a total population of ,; of whom , However, the division of power as foreseen by the constitution soon resulted in legal impasses and discontent on both sides, and nationalist militants started training again, with the military support of Greece and Turkey respectively. The Greek Cypriot leadership believed that the rights given to Turkish Cypriots under the constitution were too extensive and designed the Akritas plan , which was aimed at reforming the constitution in favour of Greek Cypriots, persuading the international community about the correctness of the changes and violently subjugating Turkish Cypriots in a few days should they not accept the plan. The violence resulted in the death of Turkish and Greek Cypriots, [93] destruction of Turkish Cypriot or mixed villages and displacement of 25,â€”30, Turkish Cypriots. The crisis resulted in the end of the Turkish Cypriot involvement in the administration and their claiming that it had lost its legitimacy; [17] the nature of this event is still controversial. In some areas, Greek Cypriots prevented Turkish Cypriots from travelling and entering government buildings, while some Turkish Cypriots willingly withdrew due to the calls of the Turkish Cypriot administration. Johnson on 5 June, warning that the US would not stand beside Turkey in case of a consequential Soviet invasion of Turkish territory. Greece dispatched 10, troops to Cyprus to counter a possible Turkish invasion. This justification has been rejected by the United Nations and the international community. In Nicosia, Glafkos Clerides assumed the presidency and constitutional order was restored, removing the pretext for the Turkish invasion. Among a variety of sanctions against Turkey, in mid the US Congress imposed an arms embargo on Turkey for using American-supplied equipment during the Turkish invasion of Cyprus in Post-division A map showing the division of Cyprus After the restoration of constitutional order and the return of Archbishop Makarios III to Cyprus in December , Turkish troops remained, occupying the northeastern portion of the island. The events of the summer of dominate the politics on the island, as well as Greco-Turkish relations. Around , settlers from Turkey are believed to be living in the northâ€”many of whom were forced from Turkey by the Turkish governmentâ€”in violation of the Geneva Convention and various UN resolutions.

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Davis indeed argues that, far from attempting to stamp out diversity in his empire, Charlemagne profited from itâ€”borrowing, for instance, the Italian judicial 'inquisition' for application north of the Alps.

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