

softer variety does not have a long shelf life and is also known to sprout poorly.

In order to growing wheat sprouts the wheat berries need to be washed clean and placed in a wide mouthed container with double amount of water in order to initiate sprouting. The sprouting occurs when the berries receive a little amount of light and is placed in a cool environment. The sprouts become ready to be consumed after 12 hours or as soon as the roots grow to an inch in length. The sprouts grow into wheat grass if left in the sprouting environment for a longer period of time [7].

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ELECTRONIC EVIDENCE IN CIVIL PROCEDURE

The explosive growth of the Internet, electronic mail, text messaging, and social networks is raising a series of novel evidentiary issues. The applicable legal principles are familiar — this evidence must be

authenticated and, to the extent offered for its truth, it must satisfy hearsay concerns. The novelty of the evidentiary issues arises out of the novelty of the media — thus, it is essentially factual. These issues can be resolved by relatively straightforward application of existing principles in a fashion very similar to the way they are applied to other computer-generated evidence and to more traditional exhibits.

INTERNET EVIDENCE. There are primarily three forms of Internet data that are offered into evidence: data posted on the website by the owner of the site or, in a social networking setting, the creator of a page on the site (“website data”); data posted by others with the owner’s or creator’s consent (a chat room is a convenient example); data posted by others without the owner’s or creator’s consent (“hacker” material).

The wrinkle for authenticity purposes is that, because Internet data is electronic, it can be manipulated and offered into evidence in a distorted form. Additionally, various hearsay concerns are implicated, depending on the purpose for which the proffer is made.

AUTHENTICATION OF WEBSITE DATA. Corporations, government offices, individuals, educational institutions and innumerable other entities post information on their websites or on social networking websites, that may be relevant to matters in litigation. Alternatively, the fact that the information appears on the website may be the relevant point. Accordingly, courts routinely face proffers of data (text or images) allegedly drawn from websites. The proffered evidence must be authenticated in all cases, and, depending on the use for which the offer is made, hearsay concerns may be implicated.

The authentication standard is no different for website data or chat room evidence than for any other. The rule says, that the requirement of authentication is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. In applying this rule to website evidence, there are three questions that must be answered, explicitly or implicitly:

- What was actually on the website?
- Does the exhibit or testimony accurately reflect it?
- If so, is it attributable to the owner of the site?

In assessing the authenticity of website data, important evidence is normally available from the personnel managing the website (“webmaster”). A webmaster can establish that a particular file, of identifiable content, was placed on the website at a specific time. This may be done through direct testimony or through documentation, which may be generated automatically by the software of the web server. It is possible that the content provider — the author of the material appearing on the site that is in issue — will be someone other than the person who installed the file on the web. In that event, this second witness (or set of documentation) may

be necessary to reasonably ensure that the content which appeared on the site is the same as that proffered.

INTERNET ARCHIVES. Websites change over time when lawsuits focus on particular points in time. The relevant webpage may be changed or deleted before litigation begins. Various Internet archive services exist that provide snapshots of webpages at various points in time. To the extent that those services, in the ordinary course of their business, accurately retrieve and store copies of the website as it appeared at specified points in time, the stored webpages are admissible. Generally, evidence from a knowledgeable employee of the Internet archive is sufficient to authenticate printouts as accurate representations of the website at issue at the relevant time. The testimony or certification should contain the same elements as set forth in the previous discussion of website data, with necessary modifications (e.g., the retrieval process may be automated, requiring authentication of the automated function, such as that it is used and relied on in the ordinary course of business and produces reliable results).

SOCIAL NETWORKING SITES. Electronic conversations on social networking sites are authenticated in the same way that chat room evidence is generally authenticated. Thus, for example, a conversation, or chat, on a social networking site is sufficiently authenticated by testimony from a participant in that conversation that: he or she knows the user name on the social networking site of the person in question; that printouts of the conversation appear to be accurate records of his or her electronic conversation with the person; a portion of the contents of the communications are known only to the person or a group of people of whom the person in question is one.

JUDICIAL SKEPTICISM. As they were with computerized evidence prior to the mid-1990s, some judges remain skeptical of the reliability of anything derived from the Internet. While some look to the Internet as an innovative vehicle for communication, the Court continues to warily and wearily view it largely as one large catalyst for rumor, innuendo, and misinformation. Anyone can put anything on the Internet. No web-site is monitored for accuracy and nothing contained therein is under oath or even subject to independent verification absent underlying documentation. Moreover, the Court holds no illusions that hackers can adulterate the content on any web-site from any location at any time. For these reasons, any evidence procured off the Internet is adequate for almost nothing, even under the most liberal interpretation of the hearsay exception.

While there is no gainsaying a healthy judicial skepticism of any evidence that is subject to ready, and potentially undetectable, manipulation, there is much on the web that is not subject to serious dispute and which may be highly probative. To keep matters in perspective, there is very little in the way of traditional documentary or visual evidence

that is not subject to manipulation and distortion. As with so many of the trial judge's duties, this is a matter that can only be resolved on a case-by-case basis.

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DETERMINATION OF IMMIGRANT AND NONCITIZEN CRIME IN UKRAINE

Migration processes are closely connected with human history. People have never been attached to one place. They move in search of the most convenient and favorable places of residence. Later on migration ceased to be spontaneous and became organized and even violent (e.g. development of the captured territories by exiled criminals and people, who were disliked by ruling classes).

According to the opinion of the majority of demographers, migration is a process of people's movement through borders of different territories with changing their residence forever or with regular return at their place of living during a certain period.

The main forms of migration are:

- 1) permanent – when people move on for changing their constant residence;
- 2) seasonal, connected with temporary moving of the population for specific goals;
- 3) pendulum – daily movement from a work place to a residence and back;
- 4) episodic – connected with temporary change of a residence for the period depending on the purposes of arrival (business trips, travelling, etc.).

In the modern world integration processes, caused by the political, social and economic changes which happened during last decade, strengthen migration processes. But migration development is characterized by aggravation of contradictions. On the one hand, economic globalization stimulates international movements, and on the other – it causes intensive criminalization of the public and economic relations and, as a result, toughening of migratory policy of host countries. A lot of illegal migrants are from the countries with an unstable political, social and economic situation.

The Ukrainian migratory population growth in 2011 is 17 100 persons (it is 1 000 more than 2010). A part of immigrants and residents are people