Test Bank for Criminal Evidence 1st Donley

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CHAPTER 2: CRIMINAL LAW

Multiple Choice (2-6 per objective)

Criminal laws determine guilt based on whether a defendant's actions violate what?

a. religious principles
b. the good of society
c. moral correctness
d. personal preferences

Answer: b
Objective: Explain the concept of guilt
Page number: 28
Level: Basic

Elements of crimes are set forth where?

a. criminal codes
b. rules of court
c. social values
d. religious doctrines

Answer: a
Objective: Understand what "elements" are and how they relate to the law of evidence
Page number: 29
Level: Basic

Which two elements are found in virtually every criminal statute?

a. An actus reus and conditions
b. An actus reus and mens rea
c. Harm and mens rea
d. An actus reus and resulting harm

Answer: b
Objective: Understand what "elements" are and how they relate to the law of evidence
Page number: 28
Level: Intermediate

Virginia's capital murder statute defines fifteen different kind of capital murder. What element is different in each type?

a. The actus reus
b. The mens rea
c. The conditions
d. The harm

Answer: c
Objective: Understand what "elements" are and how they relate to the law of evidence

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Page number: 31
Level: Basic

The actus reus of a crime refers to what?

a. the defendant's physical actions
b. whether the defendant intend to commit the crime
c. whether the defendant desired harm to the victim
d. the harm that results from the defendant's physical actions.

Answer: b
Objective: Define the actus reus of a crime, including omission, status, and possession
Page number:
Level: Basic

The failure of a defendant can constitute a crime only if what is true?

a. The defendant caused harm by his failure to act
b. The defendant was under a moral duty to act
c. The defendant's failure to act was deliberate
d. The defendant was under a legal duty to act

Answer: d
Objective: Define the actus reus of a crime, including omission, status, and possession
Page number: 32-33
Level: Intermediate

Why would criminalizing membership in a religious cult be unconstitutional in the United States?

a. Citizens have the right to associate as long as they don't cause harm to anyone.
b. This would constitute a "status crime," which is automatically unconstitutional.
c. It is not possible to criminalize any action that is taken in pursuance of a religion.
d. Only physical actions can be criminalized, and membership is not a physical action.

Answer: a
Objective: Define the actus reus of a crime, including omission, status, and possession
Page number: 33
Level: Difficult

A personal acts "intentionally" when he acts how?

a. with substantial certainty of the harm caused by his actions
b. with a conscious purpose to commit the crime
c. in disregard of a known or substantial risk
d. carelessly

Answer: b
Objective: Identify and distinguish between the four types of mens rea
Page number: 33
Level: Basic

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What is the difference between a general intent and a specific intent?

a. A specific intent is the intent to commit the actus reus of the crime; a general intent is an intent to commit some additional act.

b. "General intent' refers to the defendant's mental state; "specific intent" refers to someone else's (such as an accomplice or the victim)

c. A general intent is the intent to commit the actus reus of the crime; a specific intent is an intent to commit some additional act.

d. There is no difference; they are two terms for the same thing.

Answer: c
Objective: Identify and distinguish between the four types of mens rea
Page number: 33
Level: Intermediate

"Recklessness" and "negligence" both relate to what?

a. The defendant's intentions when he committed the crime

b. How certain it was that the defendant's actions would cause harm

c. The defendant's physical actions

d. Whether the defendant was aware of a risk that his actions were criminal

Answer: d
Objective: Identify and distinguish between the four types of mens rea
Page number:
Level: Basic

A defendant intentionally kills someone by shooting multiple times into a car where other passengers are present and one of those passengers is also killed, What would determine whether the death of the other passenger was "knowing" or "reckless?"

a. Whether the defendant knew anyone else was in the car.

b. Whether the defendant knew there was a risk that someone else might be in the car.

c. Whether the defendant intended to kill only his target, or anyone who might be in the car.

d. Whether the defendant knew he killed his target with the first shot and continued to fire anyway.

Answer: a
Objective: Identify and distinguish between the four types of mens rea
Page number: 35
Level: Difficult

Statutory rape is defined as "intentionally having sexual intercourse with someone the defendant knows is under the age of 13." Which element of this crime is a "condition?"

a. sexual intercourse

b. intent to have sexual intercourse

c. knowledge of the victim's age

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d. the victim's age

Answer: d
Objective: Explain how conditions affect criminal liability
Page number: 36
Level: Difficult

What is another way of defining the element of "conditions?"

a. The defendant's actions
b. The defendant's mental state
c. The circumstances surrounding the defendant's actions
d. The harm the defendant caused

Answer: c
Objective: Explain how conditions affect criminal liability
Page number: 36
Level: Intermediate

Where harm is an element of a crime, it must be proven that the harm was caused by what?

a. the defendant's actions
b. the defendant's mental state
c. the conditions surrounding the defendant's actions
d. the victim's actions

Answer: a
Objective: Understand the element of harm and the concept of causation
Page number: 37
Level: Basic

Foreseeability of harm must be based on defendant's knowledge at what time?

a. When the defendant planned the crime
b. When the defendant committed the actus reus
c. When the harm occurred
d. When the crime was completed

Answer: b
Objective: Understand the element of harm and the concept of causation
Page number: 37
Level: Intermediate

[Question 18]

a. [Answer]
b. [Answer]
c. [Answer]
d. [Answer]

Answer:
Objective: Understand the element of harm and the concept of causation
Page number:

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Level: Intermediate

[Question 19]

a. [Answer]
b. [Answer]
c. [Answer]
d. [Answer]

Answer:
Objective: Understand the element of harm and the concept of causation
Page number:
Level: Difficult

Self-defense requires that a defendant be in danger of what?

a. death
b. life-threatening injury
c. any kind of injury
d. injury to his body or his property

Answer: c
Objective: Define the basic defenses that are available to criminal defendants
Page number: 39
Level: Basic

An "excuse" makes what claim about the defendant's actions?

a. They weren't actually criminal
b. They were a crime, but they were the right thing to do under the circumstances.
c. They were a crime and the wrong thing to do, but the defendant shouldn't be punished for them.
d. They were a crime and the wrong thing to do, but the victim doesn't deserve to be protected from them.

Answer: c
Objective: Define the basic defenses that are available to criminal defendants
Page number:
Level: Intermediate

A man commits a crime while he is drunk. Which of the following must be TRUE for him to use his intoxication as an excuse?

a. He wouldn't have committed the crime if he were sober.
b. He didn't get drunk voluntarily.
c. He didn't expect his drinking to result in the commission of a crime.
d. He didn't intend to commit a crime when he started drinking.

Answer: b
Objective: Define the basic defenses that are available to criminal defendants
Page number: 42
Level: Intermediate

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Protecting property justifies committing a crime as long as what is true?

a. The property is extremely valuable
b. The defendant is the legal owner of the property
c. No deadly force was used to protect the property
d. The crime didn't involve any kind of bodily harm

Answer: c
Objective: Define the basic defenses that are available to criminal defendants
Page number: 41
Level: Intermediate

In order for a defendant to be considered "insane," what must he prove?

a. That he had a good reason to strike out at the victim.
b. That anyone in his position would have committed the same crime.
c. That he didn't intend to commit a crime.
d. That he suffered from a mental disease or defect.

Answer: d
Objective: Define the basic defenses that are available to criminal defendants
Page number: 42
Level: Difficult

Entrapment takes place when law enforcement does what?

a. provides a defendant with an opportunity to commit a crime
b. invited the defendant to commit a crime
c. creates the conditions that makes a defendant's actions criminal
d. provide the defendant with a motive to commit the crime

Answer: d
Objective: Define the basic defenses that are available to criminal defendants
Page number: 42
Level: Difficult

<u>True-False</u> (2-3 per objective)

Every element of a crime must be proven in order to find a defendant guilty.

a. True
b. False

Answer: a
Objective: Explain the concept of guilt
Page number: 29
Level: Basic

A criminal statute is void for vagueness if it fails to clearly define the action that is prohibited.

a. True

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b. False

Answer: a
Objective: Understand what “elements” are and how they relate to the law of evidence
Page number:
Level: Basic

The elements that constitute a crime are usually substantially similar from one jurisdiction to the next.

a. True
b. False

Answer: b
Objective: Understand what “elements” are and how they relate to the law of evidence
Page number: 28
Level: Intermediate

A crime of possession requires can occur even if the defendant is not actually in possession of the contraband.

a. True
b. False

Answer: a
Objective: Define the actus reus of a crime, including omission, status, and possession
Page number: 33
Level: Intermediate

Pennsylvania’s murder statute does not specify any actus reus.

a. True
b. False

Answer: a
Objective: Define the actus reus of a crime, including omission, status, and possession
Page number: 32
Level: Intermediate

In order to prove intent, it is necessary for the defendant to admit that he had a conscious purpose in committing the crime.

a. True
b. False

Answer: b
Objective: Identify and distinguish between the four types of mens rea
Page number: 34-35
Level: Difficult

A defendant can commit a crime recklessly even if he had no idea his actions might be harmful to anyone.

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a. True
b. False

Answer: b
Objective: Identify and distinguish between the four types of mens rea
Page number:
Level: Intermediate

"Conditions" are elements that exist apart from anything the defendant does or is thinking at the time the crime is committed.

a. True
b. False

Answer: a
Objective: Explain how conditions affect criminal liability
Page number: 36
Level: Basic

As long as the actus reus and mens rea of a crime are proven, a defendant can be found guilty even if all of the conditions of the crime are not proven.

a. True
b. False

Answer: b
Objective: Explain how conditions affect criminal liability
Page number: 36
Level: Intermediate

Proving that harm wouldn't have occurred if the defendant hadn't committed the criminal act is enough to prove that the defendant caused the harm.

a. True
b. False

Answer: b
Objective: Understand the element of harm and the concept of causation
Page number: 37
Level: Intermediate

Only harm which is specified in the criminal statute will make the defendant guilty of that crime.

a. True
b. False

Answer: a
Objective: Understand the element of harm and the concept of causation
Page number: 37
Level: Intermediate

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A justification is a defense that claims that the defendant's actions were the right thing to do under the circumstances.

a. True
b. False

Answer: a
Objective: Define the basic defenses that are available to criminal defendants
Page number: 38
Level: Basic

A person may commit a crime to protect himself from harm, but never to protect someone else.

a. True
b. False

Answer: b
Objective: Define the basic defenses that are available to criminal defendants
Page number: 40-41
Level: Basic

Fill in the blank (1-2 per objective)

Proving guilt is the ultimate purpose of a criminal _____.
Answer: trial
Objective: Explain the concept of guilt
Page number: 28
Level: Basic

A statute that fails to clearly define the elements of a crime may be void for _____.
Answer: vagueness
Objective: Understand what "elements" are and how they relate to the law of evidence
Page number: 29
Level: Intermediate

The act that constitutes a crime will be defined in the criminal _____.
Answer: statute
Objective: Define the actus reus of a crime, including omission, status, and possession
Page number: 32
Level: Basic

A crime of possession requires proof of the defendant's _____ of possession.
Answer: knowledge
Objective: Define the actus reus of a crime, including omission, status, and possession

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Page number: 33
Level: Intermediate

Burglary is an example of a crime requiring _____ intent.
Answer: specific
Objective: Identify and distinguish between the four types of mens rea
Page number: 33
Level: Basic

A person commits a crime knowingly if he does so with substantial _____.
Answer: certainty
Objective: Identify and distinguish between the four types of mens rea
Page number: 35
Level: Intermediate

The mens rea of _____ does not require any actual intent or knowledge on the part of the defendant.
Answer: negligence
Objective: Explain how conditions affect criminal liability
Page number:
Level: Difficult

The time of day, the identity of the victim, or the type of weapon used to commit a crime are all examples of _____.
Answer: conditions
Objective: Explain how conditions affect criminal liability
Page number: 36
Level: Intermediate

Murder and theft are examples of _____ crimes.
Answer: harm
Objective: Understand the element of harm and the concept of causation
Page number: 36
Level: Basic

A defendant's actions are the _____ of harm if it can be proven that the harm wouldn't have occurred if the act hadn't occurred.
Answer: cause-in-fact
Objective: Understand the element of harm and the concept of causation
Page number:
Level: Intermediate

A victim's consent to a crime can constitute a defense only if the crime falls within the _____ of his consent.

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Answer: scope
Objective: Define the basic defenses that are available to criminal defendants
Page number:
Level: Difficult

A police officer arresting a suspect is not criminally liable for assault because he is doing so under a _____.
Answer: privilege
Objective: Define the basic defenses that are available to criminal defendants
Page number: 41
Level: Intermediate

A person committing trespass in order to escape from a wild animal is an example of the defense of _____.
Answer: necessity
Objective: Define the basic defenses that are available to criminal defendants
Page number:
Level: Difficult

Matching (1-2 per objective)

Match the [type of question] listed in Column 1 to its description in Column 2

Column 1	Column 2
1. Element	a. The defendant's mental state that must accompany the criminal act
2. Actus reus	b. A crime with no mental state specified
3. Mens rea	c. The bodily movement which must occur to commit a crime
4. Concurrence	d. A person does not need to retreat from his own home
5. Harm	e. A crime of being rather than doing
6. Stand-your-ground	f. A fact that makes up a crime as stated in a criminal statute
7. Retreat doctrine	g. The right to defend oneself even where there is a safe method of retreat
8. Castle exception	h. The result of a criminal act
9. Status crime	i. The mental state triggers the criminal act
10. Strict liability crime	j. A limitation on self-defense to justify deadly force

1. f
2. c

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3. a
4. i
5. h
6. g
7. j
8. d
9. e
10. b

Essay (1 per objective)

Explain the actus reus of the crime of murder, and why no specific act is defined in that crime.
Answer: The actus reus of murder is any act that causes death, so murder is defined not in terms of the defendant's bodily movements, but in terms of the harm those actions cause.
Objective: Define the actus reus of a crime, including omission, status, and possession
Page number: 32
Level: Intermediate

What kinds of legal duties can give rise to a crime of omission?
Answer: Legal duties giving rise to crimes of omission can be defined by statute, such as the duty to report child abuse or the requirement that a person pay his taxes.
Objective: Define the actus reus of a crime, including omission, status, and possession
Page number: 32
Level: Basic

Explain the difference between committing an act intentionally and committing an act recklessly.
Answer: An intentional act is committed with the purpose that a crime is committed or the harm will occur. A reckless act is not done with a purpose of committing a crime or causing harm, but committed with knowledge that there is a risk that such will occur, and that risk is ignored.
Objective: Identify and distinguish between the four types of mens rea
Page number: 33-35
Level: Intermediate

How can we tell if an element in a criminal statute is a condition or not?
Answer: Any element of a criminal statute which does not define the defendant's actions (i.e., physical movement), mental state, or harm that must result from the defendant actions, would be considered a condition.
Objective: Explain how conditions affect criminal liability
Page number: 36
Level: Difficult

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Explain the two-step process required to prove that a criminal act is the legal cause of harm.
Answer: The evidence must first prove that the harm would not have occurred but for the defendant's actions. The evidence must then prove that the harm was foreseeable to the defendant at the time the action occurred.
Objective: Understand the element of harm and the concept of causation
Page number: 37
Level: Intermediate

What is the difference between the defense of necessity and the defense of duress?
Answer: Necessity requires the commission of a criminal act because, under the circumstances, the alternative to committing that act is worse than the crime itself. Duress is similar in that the crime is committed to avoid negative consequences, but duress involves pressure deliberately applied by someone else to coerce the defendant to commit the act.
Objective: Define the basic defenses that are available to criminal defendants
Page number: 40, 42
Level: Difficult

Critical thinking/discussion (at least 2)

Look at Virginia's capital murder statute on page 31. Discuss the different kinds of evidence that would be required to prove each of the sets of conditions identified in that statute. Which sets of condition would be the hardest to prove? Which would be the easiest?
Answer: A good answer will draw comparisons between at least five of sets of conditions, and go into detail about the kinds of evidence each would require to prove.
Objective: Explain how conditions affect criminal liability
Page number: 31
Level: Difficult

Discuss the relative merits of the "stand-your-ground" rule and retreat doctrine. What social principles underlie each of those principles? If deadly force is involved, is it better to require a retreat, or should people be permitted to defend themselves against unprovoked aggression in all cases? Which principle sends a better message?
Answer: A good answer will delve deeply into the ideas of the respect society has for life where it is possible to escape a dangerous situation without causing harm, and the need to allow people to stand up for themselves where they are in a situation that is not of their own making.
Objective: Define the basic defenses that are available to criminal defendants
Page number: 38-39
Level: Difficult

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