Test Bank for Criminal Law The Essentials 3rd Reid

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Chapter 2

Essay Questions

1. The law requires four elements to be present for the commission of all crimines. What is the result if one of those elements is not present, for instance, if there is an act and a requisite state of mind but causation is not met?
2. Explain the necessity of voluntariness of the act in the commission of an offense.
3. Explain the difficulties encountered when one is assessing and defining voluntariness.
4. What type of liability do statutory rape laws have, and why is that constitutional?
5. Discuss the theory under which the government could hold a corporation liable in a murder case, for example. How would that kind of case proceed?
6. Explain how possession can be sufficient to meet the "act" requirement to constitute a criminal offense.
7. Explain the difference between an inference and a presumption and the use of each in the proof of intent.
8. In statutes that have attendant circumstances, what is the importance of the attendant circumstances in the context of proof at trial?
9. Why must causation be proved?
10. When can an individual be liable for a failure to act?
11. Discuss and explain enterprise liability.
12. List the elements of a crime.
13. Identify the levels of culpability included in the Model Penal Code (MPC). Define each level of culpability, then compare and contrast the levels identified.
14. Explain why involuntary actions are not considered criminal. Provide some examples of involuntary actions that will not result in criminal culpability.
15. Describe the concept of causation in criminal law.
16. What are attendant circumstances? How do they play a role in the criminal culpability of an offender?
17. Define strict liability. Why do most jurisdictions consider statutory rape a strict liability offense? Do you believe it is just to hold individuals criminally liable for actions in which they did not possess any intent to commit the crime? Explain why you do/do not believe the concept of strict liability in criminal law is just, presenting clear arguments to support your belief and addressing potential arguments from the other side of the debate.
18. What are the limitations of enterprise liability?
19. Define and give an example of an intervening act.

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Chapter 2

Multiple Choice Questions

1. In general, there are four elements to every crime in the United States. Which of the following is *not* one of those elements?
    a. act
    b. state of mind
    c. motive
    d. causation

2. A criminal act may not be based upon which of the following?
    a. possession
    b. involuntary conduct
    c. agreement
    d. the failure to act where a duty is present

3. Which of the following does *not* create criminal culpability for a failure to act?
    a. parents to aid their children
    b. physicians to aid their patients
    c. any duty imposed by a contract
    d. injurer to aid person harmed

4. The Model Penal Code provides four different levels of intent. Which of the following is *not* included?
    a. intentional
    b. purposely
    c. negligently
    d. recklessly

5. When a defendant acts knowingly in that a state of awareness is involved, but the awareness is of risk, that is of a probability less than substantial certainty, under the Model Penal Code, this level of culpability is identified as:
    a. purposely
    b. negligently
    c. recklessly
    d. knowingly

6. When a defendant consciously engages in conduct of which he is aware creates a substantial risk and yet continues he is said to act_____ under the Model Penal Code.
    a. knowingly
    b. recklessly
    c. negligently
    d. purposely

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7. Evidence of facts other than those on which proof is needed but from which deductions or inferences may be drawn concerning the facts in dispute is the definition of:
    a. direct evidence
    b. inference
    c. circumstantial evidence
    d. presumptive evidence

8. Criminal culpability is imposed in some situations even though no fault or evil intent can be shown on the part of the accused. There are three categories of liability without fault. Which is not included?
    a. extemporaneous
    b. enterprise
    c. strict
    d. vicarious

9. The act of selling alcoholic beverages to a minor in most jurisdictions is a crime. It is an example of _____ liability.
    a. extemporaneous
    b. enterprise
    c. strict
    d. vicarious

10. In _____ liability the *actus reus* of one actor is imputed to another person.
    a. extemporaneous
    b. enterprise
    c. strict
    d. vicarious

11. Corporations are held responsible for the criminal acts of their agents only when those agents are:
    a. acting pursuant to a contract
    b. acting in the interest of the corporation
    c. acting within the scope of their corporate employment
    d. acting pursuant to labor union rules

12. In addition to the four elements for all crimes, some require which additional element?
    a. mitigating circumstances
    b. aggravating circumstances
    c. attendant circumstances
    d. extenuating circumstances

13. A defendant may not be held criminally responsible unless it can be proven that his acts caused the injury, death, or property damage to the victim. This is known as the _____ element required of all crime in the United States.
    a. *actus reus*
    b. *mens rea*

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c. causation
d. result

14. A criminal act committed against a victim who dies later may be followed by other noncriminal acts that contribute to the victim's death. If, however, the crime is a _____ contributing to that death, it may be judged the legal cause.
    a. substantial factor
    b. intervening act
    c. contributing factor
    d. insubstantial factor

15. A person with the *mens rea* for murder fires a gun at the victim, misses the heart (for which the bullet was aimed), and hits the arm. Two weeks later the victim dies of cancer. The correct charge against the actor is:
    a. voluntary manslaughter
    b. murder
    c. felony murder
    d. attempted murder

16. A person with the *mens rea* for murder fires a gun at the victim, misses the heart (for which the bullet was aimed), and hits the arm. Two weeks later the victim dies of cancer. In this case the cancer would be:
    a. a substantial factor
    b. an intervening act
    c. a contributing factor
    d. no factor

17. In which case did the U.S. Supreme Court invalidate a state statute that made it a misdemeanor for a person to "be addicted to the use of narcotics."
    a. *Granite Construction Co. v. Superior Court*
    b. *New York Central and Hudson River Railroad Co. v. United States*
    c. *People v. Decina*
    d. *Robinson v. California*

18. In which court case did the U.S. Supreme Court hold that, "The act of agent, while exercising the authority delegated to him may be controlled, in the interest of public policy, by imputing his act to his employer and imposing penalties upon the corporation for which he is acting?"
    a. *Granite Construction Co. v. Superior Court*
    b. *New York Central and Hudson River Railroad Co. v. United States*
    c. *People v. Decina*
    d. *Robinson v. California*

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19. In which court case did the Fifth District Court of Appeals emphasize the economic benefits that corporations might enjoy if they were not responsible for damages and personal injuries (or deaths) caused by their defective products?
    a. *Granite Construction Co. v. Superior Court*
    b. *New York Central and Hudson River Railroad Co. v. United States*
    c. *People v. Decina*
    d. *Robinson v. California*

20. A(n) _____ is one that a reasonable person might conclude was sufficient to support the resulting injury or death.
    a. Intention
    b. Substantial factor
    c. Culpability
    d. Mitigating circumstance
21. It may be difficult to _____ that an act occurred even when it did.
    a. Doubt
    b. Intend
    c. Prove
    d. Interpret
22. Which element of a crime refers to the state of mind referring to the willful commission or omission of an act one has a legal duty to perform?
    a. Intent
    b. Act
    c. Causation
    d. Concurrence
23. What crime stems from the belief that young people need to be protected from sexual experiences?
    a. Murder
    b. Statutory rape
    c. Rape
    d. Sodomy
24. Which of the following is an example of a corporation that was mentioned in the text dealing with enterprise liability?
    a. Chevron
    b. Texaco
    c. Maverik
    d. Enron
25. Which type of intent refers only to the willful commission of an act (or the omission of an act that one has a legal duty to perform)?
    a. Specific
    b. Concurrent
    c. General
    d. Subjective

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Answer Key

1. c
2. b
3. d
4. a
5. a
6. b
7. c
8. a
9. c
10. d
11. c
12. c
13. c
14. a
15. d
16. b
17. d
18. b
19. a
20. b
21. c
22. a
23. b
24. d
25. c

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