Test Bank for Criminal Law for the Criminal Justice Professional 5th Garland

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Criminal Law for the Criminal Justice Professional 5th Edition by Garland CH01

ANSWERS ARE LOCATED IN THE SECOND PART OF THIS DOCUMENT

TRUE/FALSE - Write 'T' if the statement is true and 'F' if the statement is false.

1) Criminal law seeks to regulate acts that are contrary to the community interest of the social or government unit.

1) _____

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation

2) When the United States gained independence, it rejected the common law of England.

2) _____

- ◎ true
- ◎ false

Question Details
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3) Legality holds that no one can be punished for an act that was not defined as criminal before the person did the act.

3) _____

- ◎ true
- ◎ false

Question Details
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4) Many states rely exclusively on common law to define their crimes.

4) _____

- ◎ true
- ◎ false

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5) The Model Penal Code (MPC) is a comprehensive recodification of the principles of criminal responsibility and is mandatory in all 50 states.

5) _____

- ◎ true
- ◎ false

Question Details
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6) The fundamental structure of the American criminal justice system consists of law enforcement agencies, prosecution and defense attorneys, courts, and correctional institutions and agencies.

6) _____

- ◎ true
- ◎ false

Question Details
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7) The court preparation function of police involves testifying at hearings and trial and presenting the evidence in an effort to convict the perpetrator.

7) _____

- ◎ true
- ◎ false

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8) In the case of felonies, a law enforcement officer only needs reasonable suspicion to believe that a person has committed a crime before he or she may arrest the suspect.

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8) _____

◎ true
◎ false

Question Details
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9) The purpose of a preliminary hearing is for a judge to determine whether there is probable cause for the accused to answer to the crime charged.

9) _____

◎ true
◎ false

Question Details
Accessibility : Keyboard Navigation

10) An information, which is a piece of paper on which a charge appears, is filed and signed by the prosecutor.

10) _____

◎ true
◎ false

Question Details
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11) There are at least eight bases for a defendant's pretrial motion to dismiss.

11) _____

◎ true
◎ false

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12) Law is a rule of conduct or procedure established by custom, agreement, or authority.

12) _____

- ◎ true
- ◎ false

Question Details
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13) Parole supervision is similar to probation supervision in that both are agencies of the state correctional system rather than the court system.

13) _____

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation

14) According to the double jeopardy protections under the Fifth Amendment, the justice system cannot try a defendant twice for the same crime.

14) _____

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation

15) In the case of a trial by jury, the actual trial process begins with arraignment and plea.

15) _____

- ◎ true
- ◎ false

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16) As of June, 2019 there has been a successful campaign to enact legislation that restricts access to abortions.

16) _____

◎ true
◎ false

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MULTIPLE CHOICE - Choose the one alternative that best completes the statement or answers the question.

17) American law can be described by any of the following definitions except as

17) _____

A) the known decisions of the courts of the federal and state governments.
B) the ability to impose statutes upon those who commit crimes against Americans anywhere.
C) federal, state, or local enactments of legislative bodies.
D) rules and regulations proclaimed by administrative bodies.

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18) Criminal law is distinguished from all other law because

18) _____

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A) other types of law, such as civil law, seek to regulate acts that are contrary to the community interest of the social or government unit.

B) criminal law seeks to regulate acts that are contrary to the community interest of the social or government unit.

C) criminal law seeks to influence and protect the public from obvious and egregious moral wrongs.

D) other types of law, such as civil law, impose sentences for crimes committed.

Question Details
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19) Many cultures do not make the distinction between secular (nonreligious) and _____ law that is so central to American culture.

19) _____

A) statutory
B) federal
C) sacred
D) religious

Question Details
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20) All criminal law is _____; that is, crimes are defined by the legislatures of the states and the federal government.

20) _____

A) common law
B) case law
C) statutory law
D) discretionary

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Question Details
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21) _____ regularly refine and redefine criminal law.

21) _____

A) The U.S. Congress and state legislatures
B) The U.S. Congress and the U.S. Senate
C) The U.S. and state senates
D) The executive and judicial branches of the federal government

Question Details
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22) Although modern criminal law is essentially statutory, the role of the courts is still required because

22) _____

A) common law, or case law, is still used for the most frequently committed offenses, so judges must review each of these cases individually.
B) common law takes precedence over statutory law in many jurisdictions, and the two systems often compete.
C) criminal statutes often contain vague or general language that requires courts to interpret a statute's meaning when applied to a particular case.
D) criminal statutes do not include any sentencing guidelines; therefore, a judge is needed to provide the appropriate punishments.

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23) The common law in today's modern criminal justice system

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23) _____

A) defines nearly all the crimes covered in criminal law statutes in all jurisdictions.
B) takes precedence over statutory law in many jurisdictions.
C) is usually preferred since statutory law is overly vague.
D) is a predecessor of today's statutory criminal law.

Question Details
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24) Many states' modern criminal laws are codifications of the common law crimes, and when there is a question of statutory meaning, the courts

24) _____

A) look to the common law definitions to help in understanding the term in question.
B) revert to the common law definitions and punishments, since they are easier to apply.
C) revert to the common law punishments, except for those involving the death sentence.
D) consider the common law definitions only after exhausting all other means.

Question Details
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25) Much of the reform of English and American criminal law was influenced by

25) _____

A) the American Law Institute (ALI).
B) Jeremy Bentham.
C) King George III.
D) the U.S. Supreme Court.

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Question Details
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26) One reason for the decline of judicially created criminal law definitions is the principle of _____, which is a core concept of the American system of criminal justice.

26) _____

A) common law
B) case law
C) legality
D) *mens rea*

Question Details
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27) According to the text, the establishment of the American Law Institute (ALI) was a result of

27) _____

A) political rivalries and power struggles.
B) a desire to revive common law.
C) a quest for a newer, more flexible common law.
D) general dissatisfaction with the American criminal law.

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28) Since the Civil War, federal criminal law has

28) _____

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A) expanded to overlap areas that previously were within the exclusive province of the states.
B) shrunk in its influence, leaving states' rights relatively free.
C) taken over many states' rights, such as the control of state senates.
D) maintained approximately the same influence as before.

Question Details
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29) The U.S. Constitution does NOT explicitly enumerate _____ as a crime.

29) _____

A) mail fraud
B) crimes committed on the high seas
C) counterfeiting
D) crimes against the law of nations

Question Details
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30) The principal purpose of the criminal law is to

30) _____

A) prevent and control crime.
B) punish offenders.
C) attract attention toward criminals.
D) promote social peace through strict laws.

Question Details
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31) Generally, the criminal law seeks to sanction only those persons who voluntarily commit

31) _____

A) an unlawful act (*actus reus*) before or after having an appropriate guilty mental state (*mens rea*), even with excuse or justification.
B) an unlawful act (*actus reus*) accompanied by the appropriate guilty mental state (*mens rea*), even with excuse or justification.
C) an unlawful act (*actus reus*) accompanied by the appropriate guilty mental state (*mens rea*) without involving an excuse or a justification.
D) an unlawful act (*actus reus*) before or after having an appropriate guilty mental state (*mens rea*) without involving an excuse or a justification.

Question Details
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32) The _____ distinguishes criminal law from other law.

32) _____

A) use of plaintiffs instead of prosecutors
B) imposition of punishment for its violation
C) imposition of punitive damages that are payable to the plaintiff
D) lack of appropriate legal safeguards for defendants

Question Details
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33) The utilitarian legal philosopher Jeremy Bentham reorganized the law of crimes according to the

33) _____

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A) convention of the day.
B) general will of the people.
C) views of those in power.
D) amount of social harm they caused.

Question Details
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34) Procedural criminal law dictates the methods and the means by which the state proceeds, through the police, public administrators, and the courts, to enforce rights or duties of the

34) _____

A) procedural law.
B) secular law.
C) statutory law.
D) substantive law.

Question Details
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35) Some of the colonies established in America adopted England's

35) _____

A) reform movement.
B) common law.
C) system of torts.
D) Napoleonic law.

Question Details
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36) The criminal process most often begins with

36) _____

A) an arrest.
B) an indictment.
C) a conviction.
D) sentencing.

Question Details
Accessibility : Keyboard Navigation

37) The Model Penal Code (MPC) is a comprehensive recodification of the principles of

37) _____

A) civil infractions.
B) criminal responsibility.
C) parole violations.
D) probation infringements.

Question Details
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38) _____ is one of the four basic police functions.

38) _____

A) Pre-sentence reports
B) Post-investigation
C) Prevention
D) Court decorum

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Question Details
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39) A defendant who may be sentenced to more than six months in jail or prison is entitled to

39) _____

A) an immediate hearing.
B) monetary assistance.
C) an attorney.
D) bail.

Question Details
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40) _____ is the power or authority of a court to act with respect to any case before it.

40) _____

A) Sentencing
B) Recognizance
C) *Habeas corpus*
D) Jurisdiction

Question Details
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41) Which of the following is a post-conviction procedure?

41) _____

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A) information
B) recognizance
C) sentencing
D) plea bargaining

Question Details
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42) Which of the following is a basis for appeal of a criminal conviction on substantive grounds?

42) _____

A) The jury was improperly instructed.
B) Procedural and evidential errors were committed by the trial courts.
C) The accused was convicted of murder.
D) All of the necessary elements of the crime were alleged.

Question Details
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43) Identify a true statement about plea bargaining.

43) _____

A) The judge decides whether there is probable cause to prosecute the accused.
B) The defendant appears in court to respond formally to the charges against him or her.
C) The prosecution recommends a punishment that is lesser than the original sentence imposed.
D) The defendant challenges the validity of an indictment by moving to dismiss the charges.

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44) Which of the following statements is true of *habeas corpus* as a post-conviction relief procedure?

44) _____

A) The *habeas corpus* petition is a legal action that is part of a criminal case.
B) This petition is brought by a prisoner who has exhausted all of the usual appellate remedies.
C) A state prisoner is prohibited from obtaining such relief in a federal district court.
D) Only a single *habeas corpus* petition can be filed, even if a defendant raises new grounds.

Question Details
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45) When a grand jury charges a person with a crime, it does so by issuing a(n)

45) _____

A) bond.
B) sentence.
C) information.
D) indictment.

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46) Which of these agencies are **not** a part of the department of Homeland Security?

46) _____

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A) The Central Intelligence Agency
B) The Secret Service
C) Immigrations and Customs Enforcement (ICE)
D) The Federal Emergency Management Agency (FEMA)

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47) Generally, a state prisoner is only allowed to file one habeas corpus petition; in what situation can a petitioner file a second one or successive petitions?

47) _____

A) When there is a new Supreme Court Precedent pertaining to a similar case.
B) When there is newly discovered evidence in the case or claims that involve new Supreme Court precedent that has been made retroactive to the state prisoner's case.
C) When the prisoner has a new argument he desires to make.
D) At any time since Congress enacted the Anti-Terrorism and Effective Death Penalty Act (AEDPA).

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SHORT ANSWER. Write the word or phrase that best completes each statement or answers the question.

48) What are the historical roots of American common law?

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49) Explain the principle of legality.

Question Details
Accessibility : Keyboard Navigation

50) Give a detailed description of the Model Penal Code (MPC).

Question Details
Accessibility : Keyboard Navigation

51) What distinguishes criminal law from all other law?

Question Details
Accessibility : Keyboard Navigation

52) Explain the criminal justice system perspective as an administrative system.

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Answer Key

Test name: CH01

1) TRUE
2) FALSE
3) TRUE
4) FALSE
5) FALSE
6) TRUE
7) TRUE
8) FALSE
9) TRUE
10) TRUE
11) FALSE
12) TRUE
13) FALSE
14) TRUE
15) FALSE
16) TRUE
17) B
18) B
19) D
20) C
21) A
22) C
23) D
24) A
25) B

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26) C
27) D
28) A
29) A
30) A
31) C
32) B
33) D
34) D
35) B
36) A
37) B
38) C
39) C
40) D
41) C
42) A
43) C
44) B
45) D
46) A
47) B
48) The laws of the U.S. and England stem from the common law of England. When the 13 colonies were established in America, they adopted the common law of England, but when the U.S. was formed, its law developed separately from the English common law tradition. Today, statutory law dominates the criminal law system of the United States, but common law still influences the criminal law system.

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49) Under the principle of legality, no one can be punished for an act that was not defined as criminal before the person did the act. If a court declares that an act is criminal, although it was not previously defined as criminal, then the principle of legality is violated.

50) The MPC is a comprehensive recodification of the principles of American criminal responsibility based upon previous sources of criminal law such as codes, judicial opinions, and scholarly commentary. It stands as a model for the reform of principles of American criminal responsibility.

51) Criminal law is different from other types of law in that criminal law seeks to regulate acts that are contrary to the community interest of the social or governmental unit—federal, state, or local. It involves a violation of public rights and duties, which creates a social harm. Although not every person who suffers a criminal conviction is punished, criminal law provides for the punishment of those who violate the rules. In contrast, other types of law do not provide for punishment.

52) In this role, the criminal justice system is the official apparatus for enforcing the criminal law. It consists of law enforcement agencies, prosecution and defense attorneys, courts, and correctional institutions and agencies.

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