Test Bank for Constitutional Law and the Criminal Justice System 7th Harr

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Multiple Choice

1. Marx regarded punishment as a way to:
   a. provide social solidarity.
   b. control the lower class.
   c. limit the power and influence of the upper class.
   d. exact revenge.

ANSWER:	b
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.01 - Compare and contrast the two prominent theories about the underlying purpose of the law.
KEYWORDS:	Bloom's: Remembering
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2. The philosophy that is based on free, independent individuals agreeing to form a society and to give up a portion of their individual freedom to benefit the security of the group is generally known as:
   a. a social contract.
   b. communal well-being.
   c. the federalist philosophy.
   d. natural law.

ANSWER:	a
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE:18.02.01 - Compare and contrast the two prominent theories about the underlying purpose of the law.
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3. Which model maintains that, despite factual guilt, a person cannot be held legally guilty of a crime unless the rules of criminal procedure are followed?
   a. the crime control model
   b. the due process model
   c. the constitutional model
   d. the common law model

ANSWER:	b
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ:HAHE:18.02.02 - Show similarities and differences between two competing value systems (models) often identified when discussing the purpose of the criminal justice system.
KEYWORDS:	Bloom's: Remembering
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4. The basic purpose of the American legal system is to:
   a. remove power from the government.
   b. develop a living law.
   c. ensure fairness in balancing individual and societal rights and needs.
   d. create a system that, while not perfect, is the best in the world.

ANSWER:	c
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.03 - Explain what the basic purpose of the U.S. legal system is.
KEYWORDS:	Bloom's: Remembering
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5. The concept that courts will continue to rely on prior cases to ensure consistency in the law is called:
   a. original jurisprudence.
   b. *lex talionis.*
   c. *stare decisis*.
   d. venue.

ANSWER:	c
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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6. Common law:
   a. applied to the common people, not to those in the upper echelon of society.
   b. was set forth in well-documented codes.
   c. was established by early English and Roman rulers.
   d. was based on customs and traditions followed throughout England.

ANSWER:	d
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
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7. Since the ratification of the Bill of Rights, how many amendments have been successfully ratified?
   a. 53
   b. 115
   c. 700
   d. 17

ANSWER:	d
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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8. For an amendment to the U.S. Constitution to be ratified, the percentage of state legislatures or special conventions that must agree is:
   a. one-fourth.
   b. one-half.
   c. two-thirds.
   d. three-fourths.

ANSWER:	d
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE: 18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
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9. Statutory law can also be referred to as:
   a. case law.
   b. codified law.
   c. common law.
   d. canonized law.

ANSWER:	b
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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10. A case with the caption *United States* v. *Smith* is most likely a:
    a. federal criminal case.
    b. civil case.
    c. class action suit.
    d. state appeal.

ANSWER:	a
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
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11. The standard of proof required in a civil case is:
    a. more stringent than that required in a criminal case.
    b. the same as that required in a criminal case.
    c. a preponderance of the evidence.
    d. proof beyond a reasonable doubt.

ANSWER:	c
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
KEYWORDS:	Bloom's: Remembering
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12. In a civil case, the party bringing suit is represented by:
    a. the prosecutor.
    b. the plaintiff's lawyer.
    c. the defense attorney.
    d. the public defender's office.

ANSWER:	b
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
KEYWORDS:	Bloom's: Remembering
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13. The circumstances in which the police can stop people is governed by which type of law?
    a. procedural
    b. bureaucratic
    c. fundamental
    d. substantive

ANSWER:	a
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
KEYWORDS:	Bloom's: Remembering
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14. Which pivotal court case granted the Supreme Court authority to review legislation to determine whether it is constitutional?
    a. *Miranda v. Arizona*
    b. *Marbury v. Madison*
    c. *Roe v. Wade*
    d. *Minnesota v. Carter*

ANSWER:	b
POINTS:	1
REFERENCES:	Researching the Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.06 - Name the components of a legal opinion.
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15. If the court decides to remand a case, in essence it has:
    a. overturned the decision.
    b. supported the decision.
    c. returned the case to a lower court.
    d. thrown the case out.

ANSWER:	c
POINTS:	1
REFERENCES:	Researching the Law
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.06 - Name the components of a legal opinion.
KEYWORDS:	Bloom's: Remembering
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16. The place where a specific case may come to trial and the area from which the jury is selected is known as:
    a. voir dire.
    b. the jurisdiction.
    c. the district.
    d. the venue.

ANSWER:	d
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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17. The number of U.S. Courts of Appeals in the federal court system is:
    a. 4.
    b. 13.
    c. 52.
    d. 94.

ANSWER:	b
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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18. The vast majority of cases heard in U.S. District Courts are:
    a. criminal cases.
    b. civil cases.
    c. drug cases.
    d. homeland security cases.

ANSWER:	b
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
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19. The two main functions of the courts are:
    a. to determine guilt or innocence and to interpret laws.
    b. to settle controversies and to review cases for legal improprieties.
    c. to settle controversies and to decide the rules of law that apply in the case.
    d. to determine guilt or innocence and to apply appropriate sanctions.

ANSWER:	c
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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20. Which of the following is not one of the three levels in both state and federal courts?
    a. trial courts
    b. appellate courts
    c. petition courts
    d. courts of last resort

ANSWER:	c
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
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21. A court that is authorized to hear cases first, try them, and render decisions is known as a court of:
    a. primary jurisdiction.
    b. original jurisdiction.
    c. appellate jurisdiction.
    d. exclusive jurisdiction.

ANSWER:	b
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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22. A geographic area in which a case may be heard is known as:
    a. a venue.
    b. a concurrent jurisdiction.
    c. an original jurisdiction.
    d. a holding

ANSWER:	a
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
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23. Often referred to as a court of appeals, what is the highest court on the state level?
    a. state supreme court
    b. district court
    c. intermediate appellate court
    d. state superior court

ANSWER:	a
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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24. Who is not considered an officer of the court?
    a. sheriff
    b. judge
    c. lawyer
    d. plaintiff

ANSWER:	d
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.08 - Identify the officers of the court.
KEYWORDS:	Bloom's: Remembering
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25. Which of the following is not true of the adversarial judicial system?
    a. Only actual conflicts will be heard by a court.
    b. "What if" questions will not be heard.
    c. Sides are drawn—accuser vs. accused—with one side challenged by the other.
    d. The accused has the burden of proof.

ANSWER:	d
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.08 - Identify the officers of the court.
KEYWORDS:	Bloom's: Remembering
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26. Those who are not party to a legal action, but who still have an interest in the case, may:
    a. subpoena the judge to have their testimony heard.
    b. file a writ of certiorari with the court and enter themselves as "hostile" witnesses.
    c. submit an amicus brief arguing their perspectives, although such briefs are considered only at the pleasure of the court.
    d. not do anything—only those who are directly party to the legal action may address the court.

ANSWER:	c
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
KEYWORDS:	Bloom's: Remembering
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27. To bring a case or to argue a legal issue in court, a person must have an actual interest in the matter of dispute, which is called:
    a. standing.
    b. ripeness.
    c. mootness.
    d. jurisdiction.

ANSWER:	a
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
KEYWORDS:	Bloom's: Remembering
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28. Conduct prohibited by law simply because the person engaging in the behavior is a minor is considered:
    a. a delinquent act.
    b. a status offense.
    c. an infraction.
    d. a youthful offense.

ANSWER:	b
POINTS:	1
REFERENCES:	The Components of the U.S. Legal System: The Big Picture
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
KEYWORDS:	Bloom's: Remembering
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29. When a court decision would have no practical effect, a case is apt to be dismissed for:
    a. standing.
    b. ripeness.
    c. mootness.
    d. jurisdiction.

ANSWER:	c
POINTS:	1
REFERENCES:	The Components of the U.S. Legal System: The Big Picture
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
KEYWORDS:	Bloom's: Remembering
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30. The juvenile justice system comprises which of the following components?
    a. intervention, courts, and rehabilitation
    b. law enforcement, courts, and corrections
    c. intervention, adjudication, and punishment
    d. law enforcement, counseling, and rehabilitation

ANSWER:	b
POINTS:	1
REFERENCES:	The Components of the U.S. Legal System: The Big Picture
QUESTION TYPE:	Multiple Choice
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
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True / False

31. The Durkheimian perspective saw punishment as revenge and as a means to restore and solidify the social order.
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.01 - Compare and contrast the two prominent theories about the underlying purpose of the law.
KEYWORDS:	Bloom's: Remembering
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32. A paradigm is a boundary or parameter that outlines a rule and is based on experience.
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.01 - Compare and contrast the two prominent theories about the underlying purpose of the law.
KEYWORDS:	Bloom's: Remembering
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33. The doctrine of *stare decisis* firmly prevents the law from changing or reconsidering itself in matters in which undesirable law results.
    a. True
    b. False

ANSWER:	False
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
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34. Definition and Development of the Law
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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35. Regardless of the level of jurisdiction, a statutory law may not violate the Constitution.
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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36. An act must be distinguished as either a crime or a tort; it cannot be both.
    a. True
    b. False

ANSWER:	False
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
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37. The U.S. Supreme Court's chief function is as an appellate court.
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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38. Each state has its own federal circuit court of appeals.
    a. True
    b. False

ANSWER:	False
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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39. Clerks of court are responsible for keeping the courtroom proceedings orderly and dignified.
    a. True
    b. False

ANSWER:	False
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.08 - Identify the officers of the court.
KEYWORDS:	Bloom's: Remembering
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40. Judges are now elected in all 50 states.
    a. True
    b. False

ANSWER:	False
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.08 - Identify the officers of the court.
KEYWORDS:	Bloom's: Remembering
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41. After a person is charged with an offense—civil or criminal—sides are drawn, with the accusing side having the burden of proof to establish guilt.
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.08 - Identify the officers of the court.
KEYWORDS:	Bloom's: Remembering
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42. To bring a case or to argue a legal issue in court, one must have standing (an actual interest in the matter of dispute).
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
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43. To claim Fourth Amendment protection, a defendant must demonstrate a personal expectation of privacy in the place searched and that this expectation is reasonable.
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
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44. People who are not a party to the action may still have an interest, and they are permitted to submit amicus briefs arguing their perspectives.
    a. True
    b. False

ANSWER:	True
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
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45. In regard to court terminology: adults are directed to appear in court by a petition, while juveniles are directed to appear in court by an information or indictment.
    a. True
    b. False

ANSWER:	False
POINTS:	1
REFERENCES:	The Components of the U.S. Legal System: The Big Picture
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
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46. In the landmark case of *Roper v. Simmons* (2005), the execution of minors was held to violate the Eighth Amendment prohibition against cruel and unusual punishment.

a. True

b. False

ANSWER:	True
POINTS:	1
REFERENCES:	The Components of the U.S. Legal System: The Big Picture
QUESTION TYPE:	True / False
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
KEYWORDS:	Bloom's: Remembering
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Completion

47. Over-representation of racial and ethnic minorities in arrest, prosecution, imprisonment, and capital punishment, as both the product of inequality and an expression of prejudice against minorities, may be explained by _____ theory.

ANSWER:	conflict
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.01 - Compare and contrast the two prominent theories about the underlying purpose of the law.
KEYWORDS:	Bloom's: Remembering
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48. To ____ means to make law through a legal process.

ANSWER:	promulgate
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.03 - Explain what the basic purpose of the U.S. legal system is.
KEYWORDS:	Bloom's: Remembering
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49. Early English judge-made law, based on customs and traditions that followed throughout the country, is known as _____.

ANSWER:	common law
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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50. Since the Bill of Rights was ratified in 1791, only seventeen amendments have been ratified, including the _____ Amendment, which ensured the right to vote regardless of race.

ANSWER:	Fifteenth
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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51. As a term in American law, common law is synonymous with _____ law.

ANSWER:	case
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
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52. *Stare decisis* is a common law doctrine requiring that _ set in one case shall be followed in all cases having the same or similar circumstances.

ANSWER:	precedent
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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53. Courts that may hear a wide range of cases have _____ jurisdiction.

ANSWER:	general
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.04 - Recognize how common law began, what it is based on, and what it is synonymous with.
KEYWORDS:	Bloom's: Remembering
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54. Local jurisdictions, such as at the county or municipal level, may enact their own specific codes, often referred to as _____.

ANSWER:	ordinances
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
KEYWORDS:	Bloom's: Remembering
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55. Statutory law can also be referred to as _____ because it is set forth in organized, structured codes (such as the U.S. Criminal Code or the criminal code of a specific state).

ANSWER:	codified law
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
KEYWORDS:	Bloom's: Remembering
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56. Wrongs that disrupt the status quo of the community are called crimes, and criminal laws are found in each state's _____.

ANSWER:	penal codes
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
KEYWORDS:	Bloom's: Remembering
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57. _____ are statements by a court that do not deal with the main issue in the case, or are additional discussions by the court.

ANSWER:	Dicta
POINTS:	1
REFERENCES:	Researching the Law
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.06 - Name the components of a legal opinion.
KEYWORDS:	Bloom's: Remembering
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58. Courts with general jurisdiction may hear a wide range of cases, whereas those of _____ jurisdiction hear a much narrower range of cases.

ANSWER:	limited
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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59. _____ describes the authority of a court to hear cases first, try them, and render decisions.

ANSWER:	Original jurisdiction
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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60. _____ describes the authority of a court to review cases, and to either affirm or reverse the actions of a lower court.

ANSWER:	Appellate jurisdiction
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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61. The court of last resort in most federal cases is the _____ .

ANSWER:	U.S. Court of Appeals (circuit court)
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.07 - Describe the levels on which the judicial system operates and what main functions are served by courts.
KEYWORDS:	Bloom's: Remembering
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62. The legal system established in the United States is termed a(n) _____ judicial system, because only in an actual conflict will a judicial body hear the case.

ANSWER:	adversarial
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.08 - Identify the officers of the court.
KEYWORDS:	Bloom's: Remembering
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63. The _____ doctrine prevents the court from getting prematurely involved in a case that may eventually be resolved through other means.

ANSWER:	ripeness
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
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64. More than 100 years ago, a separate juvenile justice system was created in the United States through the passage of the _____ of 1899.

ANSWER:	Illinois Juvenile Court Act
POINTS:	1
REFERENCES:	The Components of the U.S. Legal System: The Big Picture
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
KEYWORDS:	Bloom's: Remembering
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65. The comparing and contrasting of laws to expand understanding of law and legal theory is known as _____ law.

ANSWER:	comparative
POINTS:	1
REFERENCES:	U.S. Criminal Justice Beyond Our Borders
QUESTION TYPE:	Completion
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
KEYWORDS:	Bloom's: Remembering
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Essay

66. Discuss in detail the similarities and differences between the consensus theory and the conflict theory.

ANSWER:	The theories are similar in that both see laws as necessary to an orderly society; they are different in how they view the purpose of punishment. Consensus theory is more humanitarian, seeing punishment as revenge and as a way to restore social order. Conflict theory views punishment as a way to control the lower class and to preserve the power of the upper class.
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.01 - Compare and contrast the two prominent theories about the underlying purpose of the law.
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67. There are two schools of thought regarding the purpose of the criminal justice system—one advocating the crime control model and the other advocating the due process model. How do they differ? Which one do you prefer? Justify your opinions.

ANSWER:	This question requires the student to examine the competing value systems underlying the administrative purposes of the criminal process. The two extremes are meant to illustrate the tension between competing interests in the criminal justice system: the government stability maintaining orderly society (crime control) and the individual's right to freedom and protection (due process). The student should be able to identify both of these with appropriate definitions. The student should also see that the crime control model emphasizes repression of criminal conduct, while the due process model rests on the presumption of innocence and holds that individual rights are not to be sacrificed for the sake of efficiency. The crime control model would look at Miranda as a "technicality." Due process model advocates would see this position as one of law enforcement overreach, refusing to recognize the suspect's rights to an attorney and to silence under custodial interrogation. The student should articulate, after defining both schools of thought, which one he or she finds most reasonable and provide good justification. In reality, the criminal justice system is not either extreme, but somewhere in the middle.
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.02 - Show similarities and differences between two competing value systems (models) often identified when discussing the purpose of the criminal justice system.
KEYWORDS:	Bloom’s: Evaluate
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68. Compare and contrast the Due Process Model and the Crime Control Model of the criminal justice system.

ANSWER:	Two competing value systems underlying the administrative purposes of the criminal process are the Crime Control Model and the Due Process Model. The Crime Control Model emphasizes efficiency and uniformity, rests on the presumption of guilt, and takes an assembly line approach to justice. The Due Process Model, in contrast, emphasizes that individual rights are not to be sacrificed for the sake of efficiency, rests on the presumption of innocence, and takes an obstacle course approach to justice.
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.02 - Show similarities and differences between two competing value systems (models) often identified when discussing the purpose of the criminal justice system.
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69. The basic purpose of the United States legal system is to ensure fairness in balancing individual and societal needs, while at the same time preventing excessive government power. Some people think balancing these interests has become too complicated and justice has been compromised. What do you think? Please explain your view, giving at least two examples that support it.

ANSWER:	This balancing of the needs of the individual with those of society through effective law enforcement mechanisms that do not go too far is a challenge. The student should be able to find examples in which individual rights have been overemphasized or in which government power has been too excessive in addressing the problems facing America.
POINTS:	1
REFERENCES:	Theories About and Purpose of the Legal System
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.03 - Explain what the basic purpose of the U.S. legal system is.
KEYWORDS:	Bloom's: Evaluate
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70. Discuss how laws evolve in the adversarial process of the United States.

ANSWER:	The development of societal rules began the first time people congregated. When people are together, a norm is established so that individuals know what is expected of them relative to the group as a whole. Whether via de facto rules, which naturally develop, or de jure results, which are promulgated, some order must arise to prevent chaos. Law generally evolves through four phases: 1. People come together seeking collective security, to collectively gather food, and to satisfy other mutual needs. 2. They discover that they need rules to maintain order and their sense of security. 3. Inevitably, some individuals break the rules. 4. Consequences are established for breaking the rules.
POINTS:	1
REFERENCES:	Definition and Development of the Law
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.03 - Explain what the basic purpose of the U.S. legal system is.
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71. Explain the difference between a crime and a tort.

ANSWER:	A crime is a public wrong, codified in law, and prosecuted by the state. It must be proven beyond a reasonable doubt, and consequences can range from fines or imprisonment to the death penalty. A tort is a civil wrong against an individual, and it is up to the individual to bring legal action. Torts only require a showing of a preponderance of the evidence, and the consequences are not considered to be as severe, usually limited to injunctions or financial awards to compensate the victim. An act can be both a tort and a crime, and failure to prove guilt in a criminal case does not preclude a victory in civil court.
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
KEYWORDS:	Bloom's: Understand
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72. Compare and contrast substantive law and procedural law. In your explanation, please provide examples of each.

ANSWER:	Rules and regulations are established by substantive law. The way that the law is to be enforced is embodied in procedural law. For example, how and when police can stop people is governed by procedural law. The effects of substantive law being enforced in violation of procedural law can result in serious consequences for the government. For example, the exclusionary rule prohibits evidence obtained in violation of a person's constitutional rights to be used in court, no matter how incriminating. This is why it is crucial for criminal justice professionals to know the law and understand any changes to it.
POINTS:	1
REFERENCES:	Categorizing Law
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.05 - Understand the difference between a crime and a tort.
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73. In our American adversarial judicial system, attorneys represent both the suspect and the people. Frequently, defense attorneys are asked, "How can you defend someone accused of such a horrible crime?" Assume that you are a defense attorney and you need to answer this question. How would you respond?

ANSWER:	This question puts the student in the situation of advocating for vigorous defense of those accused of horrible crimes. Most people are more comfortable advocating for prosecutors or the police, who are providing the law and order for society. However, people may find it difficult to stand in the shoes of someone who must defend a guilty party against serious charges. It is important for the student to understand the necessity of vigorous advocacy, even for those who are guilty. A point to consider is that failure of defense attorneys to advocate vigorously for clients, even those who are guilty, will embolden law enforcement to sidestep the fundamental liberties of everyone, even those who may be innocent.
POINTS:	1
REFERENCES:	The Court System
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.08 - Identify the officers of the court.
KEYWORDS:	Bloom's: Evaluate
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74. Contrast the criminal and juvenile justice systems.

ANSWER:	The two systems are similar in that they are made up of the same three components and the same Constitutional rights apply. The ways they are different include: a. the focus of criminal justice is punitive, whereas the juvenile justice goal is rehabilitative; b. terminology; c. adversarial nature; and d. types of offenses (status offenses apply only to juveniles).
POINTS:	1
REFERENCES:	The Components of the U.S. Legal System: The Big Picture
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
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75. The adult criminal justice system emphasizes punishment, while the juvenile justice system emphasizes rehabilitation of the offender. Do you think the rehabilitative emphasis of the juvenile justice system is still valid today? Explain your answer.

ANSWER:	Here, the student is asked to consider whether the juvenile justice system should continue to emphasize rehabilitation, or should it be more in line with the adult criminal justice system, which emphasizes punishment for criminal misconduct. Many students will feel that the juvenile justice system is too lenient with offenders who are committing more and more egregious crimes at earlier ages, while other students may still feel that juvenile offenders should be given another chance before becoming labeled as felons for the rest of their lives.
POINTS:	1
REFERENCES:	The Components of the U.S. Legal System: The Big Picture
QUESTION TYPE:	Essay
HAS VARIABLES:	False
LEARNING OBJECTIVES:	CLCJ.HAHE.18.02.09 - Summarize the three doctrines that govern whether a case will be heard in court.
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