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TEST BANK

Chapter 1: Overview of Criminal Law

Multiple choice, fill in the blank questions

1. Which of the following is not a feature of criminal law?

a. It prescribes punishments

*b. It provides for administrative regulations

c. It defines allowable defenses

d. It has the authority of the state behind it

2. Violations against corporations or government agencies usually are covered by:

*a. civil law

b. criminal law

c. constitutional law

d. common law

3. Which of the following can be a punishment for a criminal law violation?

a. fines

b. incarceration

c. probation

*d. all of the above

4. Civil law violations are often redressed through the use of:

a. probation

b. incarceration

*c. a financial remedy

d. property forfeiture

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5. The idea that the pain of punishment should overcome the pleasure of the criminal act demonstrates the principle of _____.

a. swiftness

b. harshness

c. uniformity

*d. rationality

6. Which of the following is not a theory associated with punishment?

a. deterrence

b. retribution

*c. execution

d. incapacitation

7. The idea that future law violations can be prevented by punishing someone by scare tactics to outweigh pain from pleasure describes the punishment theory of _____.

*a. deterrence

b. restorative justice

c. incapacitation

d. rehabilitation

8. Restricting an individual's freedom in order to prevent future law violations describes:

a. restoration

*b. incapacitation

c. rehabilitation

d. deterrence

9. The type of law that defines crimes, punishments, and defenses is classified as _____ law.

a. common

b. regulatory

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*c. substantive

d. procedural

10. Crimes that we consider to be inherently evil are classified as:

*a. *mala in se*

b. *mala prohibita*

c. structural crimes

d. habeas corpus

11. Laws requiring motorcycle riders to wear helmets and drivers to wear seatbelts would be examples of _____ laws.

a. federal

b. constitutional

*c. *mala prohibita*

d. *mala in se*

12. Which of the following is not a crime against a person?

a. homicide

b. rape

c. robbery

*d. arson

13. All of the following are property crimes except:

a. larceny

*b. assault

c. arson

d. burglary

14. Price fixing, insider trading, and embezzlement are examples of _____ crimes.

a. property crimes

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b. crimes against the state

*c. white collar crimes

d. crimes against a person

15. Which of the following is *not* an example of a crime against the state?

*a. embezzlement

b. treason

c. obstruction of justice

d. sedition

16. Most criminal law today results from:

*a. statutory enactments

b. administrative regulations

c. case law

d. constitutional law

17. Laws enacted by city and county governments are often labeled:

a. statutes

b. principles

c. restraints

*d. ordinances

18. The ultimate authority of law in the United States is:

a. the Congress

b. the Supreme Court

*c. the Constitution

d. the President

19. Decisions handed down by state or federal appellate courts represent an example of _____ law.

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a. criminal

*b. case

c. civil

d. administrative

20. When an appellate court hands down a decision, the ruling by the court is also known as the:

*a. majority opinion

b. concurring opinion

c. dissenting opinion

d. minority opinion

21. The idea that for some act to be a crime it must already be defined as a crime illustrates the principle of _____.

a. finality

b. equity

c. fairness

*d. legality

22. The constitutional protection against ex post facto laws prevents new criminal statutes from being enforced:

a. at all

b. against non-citizens

*c. retroactively

d. rehabilitatively

23. Laws that define human conduct in terms that are not precise enough may be found void for _____.

a. obstruction

*b. vagueness

c. principle

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d. universality

24. The highest level of review for equal protection claims is:

*a. strict scrutiny

b. rational basis scrutiny

c. intermediate scrutiny

d. none of the above

25. Protection against cruel and unusual punishment is provided for in the _____ Amendment of the U.S. Constitution.

a. First

b. Fourth

*c. Eighth

d. Fourteenth

True/false questions

1. Most scholars believe that there is a universal nature to law that defines right from wrong.

a. True

*b. False

2. There is almost universal agreement on the features of law.

a. True

*b. False

3. One of the unique features of the criminal law is the state's ability to punish a convicted offender.

*a. True

b. False

4. The punishment theory of retribution looks back at the offense committed and the harm done.

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*a. True

b. False

5. Rehabilitation is a form of utilitarian punishment theory.

*a. True

b. False

6. The types of crimes described as inherently evil as classified as *mala in se*.

*a. True

b. True

7. In most cases, *mala prohibita* crimes are considered more evil or wrong than *mala in se* crimes.

a. True

*b. False

8. Insider trading, embezzlement, and price fixing are examples of street crimes.

a. True

*b. False

9. Today the common law has largely been replaced by statutory law.

*a. True

b. False

10. Most of the criminal cases tried today are heard in the federal courts.

a. True

*b. False

11. Criminal laws are consistently defined from state-to-state.

a. True

*b. False

12. Case law results from the decisions handed down by appellate courts.

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*a. True

b. False

13. The idea of “due process of law” has a clear, universally agreed upon definition.

a. True

*b. False

14. The First Amendment to the Constitution protects any form of speech.

a. True

*b. False

15. The U.S. Supreme Court has held that obscene materials can be regulated by local, state, and federal governments.

*a. True

b. False

Essay questions

1. What do we mean by “natural law?” What is the source (or what are the sources) of natural law?

2. The legitimacy of punishment rests on the idea that it must be rational, prescribed, intentional, and enacted by the state. Define and explain each of these terms.

3. In Chapter 1 five different theories or purposes of punishment are listed. Pick any two of these theories and compare and contrast them with one another.

4. Define and describe the differences between *mala in se* and *mala prohibita* offenses. Give a few examples of each in your answer.

5. What do we mean by common law? What are some of the elements typically associated with common law?

6. What is meant by the principle of *stare decisis*? How does this concept play a role in the common law? Is it still at work today? Explain.

7. What do we mean by the concept of case law? Where does case law come from, and to whom does it apply?

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8. Define and describe the principle of legality. What is the significance of this principle within the arena of criminal law?

9. Is there a clear definition of the concept of due process? Explain. How do we know due process when we see (or don't see) it?

10. Explain the "void for vagueness" test. Why is this an important principle in criminal law?

11. The text lists three standards of review in determining equal protection of law. List and define these three standards.

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Chapter 2: General Principles of Liability

Multiple choice, fill in the blank questions

1. In criminal law the wrongful act is labeled the:

a. *habeas corpus*

b. *stare decisis*

*c. *actus reus*

d. *mens rea*

2. Which of the following is not one of the three elements of the *actus reus* specified by the *Model Penal Code*?

*a. willful intent

b. results

c. conduct

d. attendant circumstances

3. Laws that require a person to render aid to another individual in distress are often called _____ statutes.

a. Good Neighbor

*b. Good Samaritan

c. Struggling Victim

d. Vocal Concern

4. A Good Samaritan statute requires people to:

a. loan money to their family members

b. help classmates on exams

c. abandon attempts at criminal activity

*d. render aid to someone who is in distress

5. Having an item physically on one's body is known as:

a. physicality

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b. constructive possession

*c. actual possession

d. assumption of guilt

6. When people do not have an item physically on their bodies but they have dominion or control over it, this is known as:

*a. constructive possession

b. actual possession

c. assumed possession

d. extended possession

7. The Latin term *mens rea* is used to describe:

a. a wrongful act

*b. a guilty mind

c. wrongful imprisonment

d. none of the above

8. Which of the following terms is used to describe a guilty mind in criminal cases?

*a. *mens rea*

b. *actus reus*

c. *corpus delicti*

d. *stare decisis*

9. The broadly defined necessary state of mind for the commission of any crime would be considered:

a. legal intent

b. statutory intent

c. specific intent

*d. general intent

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10. When a person intends to kill someone but accidentally kills another person, this illustrates the concept of _____ intent.

a. general

*b. transferred

c. specific

d. accidental

11. “Culpability” is the term used by the *Model Penal Code* to describe:

*a. *mens rea*

b. *actus reus*

c. *ex post facto* laws

d. the principle of legality

12. The *Model Penal Code* uses four terms to define a person’s level of criminal responsibility. Which of the following is not one of those terms?

a. recklessly

b. purposely

*c. voluntarily

d. knowingly

13. Based on the *Model Penal Code’s* classification scheme, which of the following is considered the most serious level of criminal responsibility?

a. acting knowingly

b. acting negligently

c. acting recklessly

*d. acting purposely

14. Having sexual intercourse with a person under the age of legal consent is known as _____ rape.

*a. statutory

b. forcible

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c. minor

d. negligent

15. When the *actus reus* and *mens rea* come together we have proven which element of a crime?

a. confluence

*b. concurrence

c. conditions

d. convergence

16. What do we call the point at which the *actus reus* and *mens rea* unite?

a. connection

b. cohabitation

*c. concurrence

d. coincidence

17. When an adult uses a child (or other person not normally criminally liable) to commit a crime, this illustrates the _____ rule.

a. inchoate offense

b. willful blindness

c. totality of circumstances

*d. innocent instrumentality

18. The Latin phrase “*sine qua non*” means:

*a. but for

b. reckless conduct

c. no harm, no foul

d. rational choices

19. Proximate cause may also be known as _____ cause.

a. actual

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