

Chapter 1
COURTS, CRIME AND CONTROVERSY

TEST BANK

MULTIPLE CHOICE

1. The most influential actor in the courthouse is the:
- a. judge
 - b. defense attorney
 - c. clerk of courts
 - d. prosecutor

ANS: D REF: 12 OBJ: 4

2. A trial by a judge without a jury is called a _____ trial.
- a. judge
 - b. bar
 - c. bench
 - d. summary

ANS: C REF: 15 OBJ: 5

3. The operation of two separate and distinct court systems in the United States is referred to as:
- a. a dual court system
 - b. checks and balances
 - c. full faith and credit
 - d. comity

ANS: A REF: 9 OBJ: 3

4. The crime control and due process models were first developed by:
- a. James Q. Wilson
 - b. Samuel Walker
 - c. Dominick Dunn
 - d. Herbert Packer

ANS: D REF: 20 OBJ: 7

5. The key value of the crime control model is:
- a. repression of crime
 - b. the rights of defendants
 - c. the rights of victims
 - d. the integrity of the courts

ANS: A REF: 20 OBJ: 7

6. Which of the following are the three main components of the American Criminal Justice system?
- a. Federal, state and local
 - b. Judges, prosecutors, and defense attorneys
 - c. Police, courts, and corrections
 - d. Probation, prison, and parole

ANS: C REF: 7 OBJ: 2

7. Which of the following is one reason the prosecution of Paul House differ from a typical felony prosecution?
- a. Because House represented himself in the trial
 - b. Because House appealed his case to numerous courts including the United States Supreme Court
 - c. Because House's wealth enabled him to hire a high-powered team of criminal defense attorneys
 - d. Because House opted for a bench trial

ANS: B REF: 9 OBJ: 1

8. Which is true of "the law in action"?
- a. Most defendants have hired private defense counsel
 - b. Most defendants take their case to trial
 - c. Most defendants agree to a guilty plea
 - d. Judges make sentencing decisions with almost complete autonomy

ANS: C REF: 17 OBJ: 6

9. The institutions of criminal justice in America are a system in the sense that:
- a. they communicate, cooperate, and coordinate very efficiently
 - b. what happens in one agency or component affects other agencies and components
 - c. there is centralized control of all agencies within a state or the federal system
 - d. the U.S. Supreme Court closely controls all agencies and components

ANS: B REF: 7-8 OBJ: 2

10. Criminal justice in America can be described as a fragmented non-system due in part to:
- a. cases flow in a regular pattern through the system
 - b. what happens in one agency or component affects other agencies and components
 - c. there is centralized control
 - d. the decentralized nature of American government that distributes power between national and state governments

ANS: D REF: 8 OBJ: 2

11. The federal district courts are the federal _____ courts.
- a. bankruptcy
 - b. appellate
 - c. trial
 - d. courts of last resort

ANS: C REF: 9-10 OBJ: 3

12. In the aftermath of the attacks of September 11, 2001 courts have wrestled with the issue of:
- a. the extension of the use of electronic eavesdropping by police
 - b. the use of undercover agents in narcotics cases
 - c. the use of wiretapping devices in private homes
 - d. the use of DNA evidence in criminal trials

ANS: A REF: 4 OBJ: 2

13. In the U.S. today, there are around _____ million people under some form of correctional confinement or supervision.
- a. 2
 - b. 6.2
 - c. 7
 - d. 15

ANS: C REF: 7 OBJ: 1

14. In terms of national policy, the most important court in the country is the U.S. _____ Court.
- a. District
 - b. Appeals
 - c. Supreme
 - d. Criminal

ANS: C REF: 10 OBJ: 3

15. Which of the following is the federal court of last resort in the United States?
- a. U.S. District Court
 - b. U.S. Court of Criminal Appeals
 - c. U.S. Supreme Court
 - d. U.S. Magistrate Court

ANS: C REF: 10 OBJ: 3

16. Courts can be classified according to their function (rather than jurisdiction) into _____ courts.
- a. local, state, and federal
 - b. of record and not of record
 - c. national and multinational
 - d. trial and appellate

ANS: D REF: 9-10 OBJ: 3

17. In contrast to federal judges, most state judges are:
- a. appointed by the governor
 - b. appointed by the state legislature
 - c. appointed by the state supreme court
 - d. elected

ANS: D REF: 12 OBJ: 4

18. After booking, arrestees will be brought before a judge at the _____ and advised of their rights, and the charges and given a chance to make bail.
- a. pretrial hearing
 - b. initial appearance
 - c. arraignment
 - d. preliminary hearing

ANS: B REF: 14 OBJ: 5

19. Grand juries:
- a. are used by all states
 - b. deliberate in open hearings
 - c. issue an indictment in most cases
 - d. are utilized only in misdemeanor cases

ANS: C REF: 15 OBJ: 5

20. Around ninety percent of felony convictions result from:
- a. guilty pleas pursuant to a plea bargain
 - b. a trial by jury
 - c. a bench trial
 - d. a preliminary hearing

ANS: A REF: 15 OBJ: 6

21. Which of the following is a characteristic of the due process model of criminal justice?
- a. Concern for the rights of defendants
 - b. Efficiency is the main goal
 - c. Eliminating loopholes for defendants
 - d. Stress on informal fact-finding

ANS: A REF: 21 OBJ: 7

22. Which of the following is a characteristic of the crime control model of criminal justice?
- a. The process resembles an obstacle course for the prosecution and police
 - b. Stress on formal and court fact-finding
 - c. Concern for efficiency and protecting society
 - d. Stress on the rights of defendants

ANS: C REF: 20-21 OBJ: 7

23. The crime control model is usually associated with _____ politics.
- a. liberal
 - b. left-wing
 - c. radical
 - d. conservative

ANS: D REF: 20 OBJ: 7

24. Which of the following has contributed to the way scientific and technology-based evidence is introduced at trial?
- a. The introduction of expert testimony.
 - b. The widespread use of DNA evidence.
 - c. The use of eye witness testimony.
 - d. The introduction of electronic eavesdropping evidence.

ANS: B REF: 4 OBJ: 1

25. The United States Supreme Court hears fewer than _____ cases each term (year)?
- a. 100
 - b. 80
 - c. 250
 - d. 1,000

ANS: B REF: 10 OBJ: 3

26. The following are characteristics of a typical criminal defendant:
- a. young, poor, uneducated, male and a member of a minority group
 - b. young, poor, and a member of a minority group
 - c. middle aged, poor and male
 - d. old, male, poor and a repeat offender

ANS: A REF: 12 OBJ: 4

27. Proponents of the due process model of criminal justice believe which of the following?
- a. The courts' priority should be to protect the rights of the individual.
 - b. The belief in the need to reform people through rehabilitation.
 - c. That the court system is fundamentally unfair to poor and minority defendants.
 - d. All of these choices

ANS: D REF: 21 OBJ: 7

28. Depending on the law allegedly violated, several different prosecutors may bring charges against a defendant. These prosecutors may be known as:
- a. city attorney, district attorney or United States attorney
 - b. district attorney, United States attorney or federal attorney
 - c. district attorney, public attorney or U.S. attorney general
 - d. specially appointed attorney, U.S. attorney or city attorney

ANS: A REF: 9 OBJ: 4

29. A major trial court in the United States may hear which type of case?
- a. Public drunkenness
 - b. Petty theft
 - c. Disorderly conduct
 - d. Robbery

ANS: D REF: 9-10 OBJ: 3

TRUE/FALSE

1. The term "dual court system" refers to state and federal courts.

ANS: T REF: 9 OBJ: 3

2. *House v. Bell* is a very typical felony prosecution because Paul House agreed to a plea and his case did not go to trial.

ANS: F REF: 9 OBJ: 1

3. Lower (or limited jurisdiction) trial courts frequently conduct the initial proceedings in felony cases.

ANS: F REF: 9-10 OBJ: 3

4. The decisions of trial courts are reviewed by appellate courts.

ANS: T REF: 10 OBJ: 2

5. Federal judges are elected in district-wide elections.

ANS: F REF: 12 OBJ: 4

6. In the crime control model, one goal is to process defendants quickly.

ANS: T REF: 20-21 OBJ: 7

7. In the due process model, the primary goal is to protect the rights of citizens.

ANS: T REF: 21 OBJ: 7

8. The prosecutor is generally the most influential official in the criminal justice system.

ANS: T REF: 12 OBJ: 4

9. In general, defendants have a constitutional right to a jury trial and a right to a defense attorney at government expense if they are poor (indigent).

ANS: T REF: 15, 12 OBJ: 4

10. Appellate courts hear witnesses, and examine physical evidence of crimes.

ANS: F REF: 10 OBJ: 3

11. In a criminal case, neither side will know of any of the evidence or witnesses held by the opposing party.

ANS: F REF: 15 OBJ: 5

12. Grand juries indict in only a small percentage of the cases brought to them by the prosecutor.

ANS: F REF: 15 OBJ: 5

13. Procedures in the real world sometimes vary from those specified in the cases and laws.

ANS: T REF: 12-14 OBJ: 6

14. Felony cases involve more steps and procedures than misdemeanor cases.

ANS: T REF: 12-14 OBJ: 5

15. The U.S. Supreme Court and state supreme courts can largely select which cases they want to hear.

ANS: T REF: 10 OBJ: 3

16. A defendant will be asked to enter a plea to the charges at arraignment.

ANS: T REF: 15 OBJ: 5

17. Most criminal defendants hire a private lawyer for their defense.

ANS: F REF: 12 OBJ: 4

18. Most state judges are appointed by the President and confirmed by the Senate.

ANS: F REF: 12 OBJ: 4

19. Groups like Mothers Against Drunk Driving seek to promote the rights of crime victims.

ANS: T REF: 12 OBJ: 4

20. Advocates of the crime control model of criminal justice believe that unless crime is controlled, the rights of law-abiding citizens will not be protected, and the security of society will be diminished.

ANS: T REF: 20 OBJ: 7

21. “Law on the books” is found in constitutions, legislative statutes, administrative rules and regulations, and court opinions.

ANS: T REF: 16 OBJ: 6

22. The “law in action” represents an idealized view of law, one that stresses an abstract set of rules that fails to take real people into account.

ANS: F REF: 17 OBJ: 6

COMPLETION

1. *House v. Bell* is an atypical felony prosecution because his conviction was _____ on appeal.

ANS: overturned

REF: 12 OBJ: 1

2. The public often blames _____ for allowing guilty defendants to go free on “technicalities”.

ANS: appellate courts

REF: 7 OBJ: 2

3. The actions of law enforcement have a direct impact on the workload of _____.

ANS: courts

REF: 8 OBJ: 2

4. _____ courts are divided into major and lower.

ANS: Trial

REF: 9 OBJ: 3

5. In _____ courts, no trials are held, no jurors are employed and no witnesses are heard.

ANS: appellate

REF: 10 OBJ: 3

6. The _____ is the most influential of the courthouse actors.

ANS: prosecutor

REF: 12 OBJ: 4

7. Crimes fall into three categories—felonies, misdemeanors, and _____.

ANS: violations

REF: 14 OBJ: 5

8. The term “_____” refers to the exchange of information prior to trial.

ANS: discovery

REF: 15 OBJ: 5

9. In felonies, bail is usually first set at the initial _____ stage of the judicial process.

ANS: appearance

REF: 14 OBJ: 5

10. _____ jury review is required in all federal felony prosecutions.

ANS: Grand

REF: 15 OBJ: 5

11. Felony defendants enter a plea at the _____ stage of the judicial process.

ANS: arraignment

REF: 15 OBJ: 5

12. A trial by a judge only without a jury is called a _____ trial.

ANS: bench

REF: 15 OBJ: 5

13. The due process model focuses on the rights of _____.

ANS: defendants

REF: 21 OBJ: 7

14. American government is based on the principle of _____, which distributes government power between national (usually referred to as federal) and state governments.

ANS: federalism

REF: 8 OBJ: 2

15. Typically, prosecutions of _____ are more complicated than prosecutions of less serious crimes called misdemeanors.

ANS: felonies

REF: 12 OBJ: 5

16. For misdemeanor defendants, the initial _____ is typically the defendant's only courtroom encounter; three out of four plead guilty and are sentenced immediately.

ANS: appearance

REF: 14 OBJ: 2

17. Pretrial _____ is largely limited to defendants who have committed serious crimes.

ANS: detention

REF: 14 OBJ: 2

18. The standard of proof for the prosecutor at a preliminary hearing is _____.

ANS: probable cause

REF: 14-15 OBJ: 2

19. The "law in action" related to discovery is that prosecutors reveal information about their case to the defense in order to obtain a _____.

ANS: guilty plea

REF: 19 OBJ: 6

20. The “law on the books” articulates _____ rules relating to the formal and informal exchange of information before trial.

ANS: discovery

REF: 15 OBJ: 6

21. Only a handful of defendants have _____ counsel.

ANS: privately retained

REF: 12 OBJ: 4

ESSAY

1. Describe, compare and contrast the due process and crime control models of criminal justice. Be sure to provide examples.

ANS:

The due process model is primarily concerned with rights of defendants, creates an obstacle course to get a conviction, and tends to be favored by liberals. The crime control model stresses repression of crime, efficiency in the criminal justice system, and harsh sentences to deter criminals.

REF: 20-21 OBJ: 7

2. List the steps in processing a typical felony case. Briefly describe what happens at each step.

ANS:

Crime, arrest, initial appearance, bail, preliminary hearing, prosecutors’ charging decision, grand jury review and indictment, arraignment on charges, pretrial discovery and suppression of evidence, plea negotiation, trial, sentencing, appeal.

REF: 12-16 OBJ: 5

3. Describe some of the key differences between the “law on the books” and the “law in action”.

ANS:

The law on the books describes what the law “should be” based on the articulated rules of American law found in constitutions, cases, judicial opinions, and administrative rules and regulations. The law on the books differs significantly from the law in action in many respects. The law in action reveals what “actually happens” in criminal courts. Examples may include the realities that while there are about 12 million arrests each year, about half actually result in filing of charges. Grand juries are groups of citizens who are given the responsibility for charging in felony cases, but they almost always indict the defendants prosecutors want charged. Felony defendants have a right to file a motion to suppress unconstitutionally seized evidence, but those motions are rarely granted.

REF: 16-19

OBJ: 7

4. Discuss the case of *House v. Bell* (2006,) including whether or not the case is a typical criminal case. The complete answer will include the facts of the case, verdict at trial, arguments made in post trial motions, including in which courts those arguments were made, and the final ruling in the case.

ANS:

Paul House was a capital defendant in Tennessee state court in 1985. House, a family friend of the victim, Carolyn Muncey, was found guilty after a jury trial in Circuit Court of Union County, Tennessee, and sentenced to death. In post conviction motions filed by counsel, DNA evidence was discovered implicating Muncey’s husband, rather than House. Because House’s first lawyers did not present certain constitutional claims in Tennessee state court during his trial and early appeals, legally he had defaulted on these claims. His conviction was reviewed over the next 20 years in 8 different courts, with at least 42 judges sitting – ordinary, garden variety felonies rarely involve this type of exhaustive review. The case was reviewed not just in Tennessee state court, but in federal court because of the constitutional claims at issue. This is not a typical felony case but illustrates the complexity of the court system in the United States.

REF: 4, 7, 9, 10, 12, 16, 21-22

OBJ: 1