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

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| 2. A trial by a judge without a jury is called a:   |  |  |  | | --- | --- | --- | |  | a. | summary trial. | |  | b. | bar trial. | |  | c. | bench trial. | |  | d. | trial *de novo*. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 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. | separate but equal. | |  | d. | judicial federalism. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 4. Coercive police practices are a violation of this essential element of due process.   |  |  |  | | --- | --- | --- | |  | a. | equal protection | |  | b. | the third degree | |  | c. | self-incrimination | |  | d. | fundamental fairness |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 5. The key goal of the crime control model is the:   |  |  |  | | --- | --- | --- | |  | a. | repression of criminal conduct. | |  | b. | rights of defendants. | |  | c. | rights of victims. | |  | d. | integrity of the courts. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 6. The three main components of the American criminal justice system are:   |  |  |  | | --- | --- | --- | |  | a. | federal, state, and local. | |  | b. | judges, prosecutors, and defense attorneys. | |  | c. | police, courts, and corrections. | |  | d. | probation, prison, and parole. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 7. Which of the following is NOT true of law in action?   |  |  |  | | --- | --- | --- | |  | a. | It focuses on human factors governing application of law. | |  | b. | It stresses the importance of discretion. | |  | c. | Strict enforcement of laws and adherence to procedures are a key feature. | |  | d. | Prosecutors use discovery to encourage guilty pleas. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 8. Jurors’ expectations of forensic evidence in even the most mundane of cases have been called the:   |  |  |  | | --- | --- | --- | |  | a. | DNA effect. | |  | b. | CSI effect. | |  | c. | science effect. | |  | d. | BSU effect. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 9. The numerous public agencies involved in implementing public policy concerning crime are referred to as the:   |  |  |  | | --- | --- | --- | |  | a. | court system. | |  | b. | corrections system. | |  | c. | law enforcement system. | |  | d. | criminal justice system. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 10. Criminal justice is best viewed as a system and a:   |  |  |  | | --- | --- | --- | |  | a. | conglomerate. | |  | b. | business. | |  | c. | nonsystem. | |  | d. | victim’s agency. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 11. Which of the following is not one of the justice professionals in the courthouse?   |  |  |  | | --- | --- | --- | |  | a. | social services personnel | |  | b. | prosecutors | |  | c. | judges | |  | d. | police |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 12. What is the name of a request for a judge to make a decision?   |  |  |  | | --- | --- | --- | |  | a. | an affidavit | |  | b. | a warrant | |  | c. | a motion | |  | d. | a judgment |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 13. If the grand jury finds probable cause to hold the defendant for trial, it returns a(n):   |  |  |  | | --- | --- | --- | |  | a. | warrant. | |  | b. | no true bill. | |  | c. | true bill. | |  | d. | *Alford* bill. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 14. Courts can be classified according to their function (rather than jurisdiction) as:   |  |  |  | | --- | --- | --- | |  | a. | local, state, and federal courts. | |  | b. | substantive and procedural courts. | |  | c. | national and multinational courts. | |  | d. | trial and appeals courts. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 15. 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. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 16. After arrest, arrestees are brought before a judge, advised of their rights and the charges against them, and given a chance to make bail at the:   |  |  |  | | --- | --- | --- | |  | a. | pretrial hearing. | |  | b. | initial appearance. | |  | c. | arraignment. | |  | d. | preliminary hearing. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 17. Which of the following is true of grand juries?   |  |  |  | | --- | --- | --- | |  | a. | They are used by all states. | |  | b. | They deliberate in open hearings. | |  | c. | They issue an indictment in most cases. | |  | d. | They are utilized only in misdemeanor cases. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 18. Around 90 percent of felony convictions result from a:   |  |  |  | | --- | --- | --- | |  | a. | plea bargain. | |  | b. | trial by jury. | |  | c. | bench trial. | |  | d. | preliminary hearing. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 19. 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. | It stresses formal and court fact-finding. | |  | c. | There is concern for speed and protecting society. | |  | d. | It focuses on the rights of defendants. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 20. By and large, criminal defendants are:   |  |  |  | | --- | --- | --- | |  | a. | young, poor, uneducated, and male. | |  | b. | young, poor, and female, and a member of a minority group. | |  | c. | young, poor, male, and minority. | |  | d. | middle-aged, male, uneducated, and a repeat offender. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 21. The key characteristics of common law include all of the following, EXCEPT:   |  |  |  | | --- | --- | --- | |  | a. | it is predominately judge-made. | |  | b. | it is based on justice. | |  | c. | it is found in multiple sources. | |  | d. | it applies rules of law found in previous cases. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 22. Much of the Bill of Rights has been made applicable to the states through the:   |  |  |  | | --- | --- | --- | |  | a. | Fourth Amendment. | |  | b. | doctrine of precedent. | |  | c. | legislative process. | |  | d. | Fourteenth Amendment. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 23. Which of the following is not an element of a crime?   |  |  |  | | --- | --- | --- | |  | a. | *mens rea* | |  | b. | *actus reus* | |  | c. | attendant circumstances | |  | d. | guilty conscience |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 24. *Mens rea* refers to the:   |  |  |  | | --- | --- | --- | |  | a. | guilty act. | |  | b. | body of the crime. | |  | c. | scene of the crime. | |  | d. | guilty mind. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 25. Which Amendment to the U.S. Constitution prohibits unreasonable searches and seizures?   |  |  |  | | --- | --- | --- | |  | a. | First Amendment | |  | b. | Fourth Amendment | |  | c. | Fifth Amendment | |  | d. | Eighth Amendment |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 26. What is the name of rules and regulations adopted by administrative agencies that have the force of law?   |  |  |  | | --- | --- | --- | |  | a. | statutory regulations | |  | b. | constitutional regulations | |  | c. | administrative regulations | |  | d. | due process regulations |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 27. The primary justification for providing constitutional safeguards in the criminal justice process is to ensure that:   |  |  |  | | --- | --- | --- | |  | a. | innocent persons are not harassed or wrongly convicted. | |  | b. | the guilty are punished. | |  | c. | society administers justice to the accused. | |  | d. | convictions are not overturned on appeal. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 28. Which of the following is the highest burden of proof?   |  |  |  | | --- | --- | --- | |  | a. | clear and convincing evidence | |  | b. | preponderance of evidence | |  | c. | probable cause | |  | d. | proof beyond a reasonable doubt |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 29. What is the body of rules, other than criminal law, that governs private parties?   |  |  |  | | --- | --- | --- | |  | a. | inheritance law | |  | b. | civil law | |  | c. | production law | |  | d. | attempt law |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 30. Which Amendment to the U.S. Constitution guarantees the right to counsel?   |  |  |  | | --- | --- | --- | |  | a. | Fourth Amendment | |  | b. | Fifth Amendment | |  | c. | Sixth Amendment | |  | d. | Eighth Amendment |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 31. The party who initiates a civil suit is known as the:   |  |  |  | | --- | --- | --- | |  | a. | appellant. | |  | b. | victim. | |  | c. | appellee. | |  | d. | plaintiff. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 32. Laws created by federal and state legislatures are known as:   |  |  |  | | --- | --- | --- | |  | a. | ordinances. | |  | b. | statutes. | |  | c. | administrative regulations. | |  | d. | legislation. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 33. The first document that establishes the underlying principles and general laws of a nation or state is:   |  |  |  | | --- | --- | --- | |  | a. | substantive law. | |  | b. | procedural law. | |  | c. | a precedent. | |  | d. | a constitution. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 34. Another word for *stare decisis* is:   |  |  |  | | --- | --- | --- | |  | a. | substantive law. | |  | b. | procedural law. | |  | c. | precedent. | |  | d. | constitution. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 35. Which term refers to the methods of enforcing legal obligations?   |  |  |  | | --- | --- | --- | |  | a. | substantive law | |  | b. | procedural law | |  | c. | precedent | |  | d. | constitution |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 36. Which term refers to legal obligations?   |  |  |  | | --- | --- | --- | |  | a. | substantive law | |  | b. | procedural law | |  | c. | precedent | |  | d. | constitution |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 37. Which term emphasizes fundamental fairness insofar as a person should always be given notice of any charges brought against him or her, that a person should be provided a real chance to present his or her side in a legal dispute, and that no law or government procedure should be arbitrary or capricious?   |  |  |  | | --- | --- | --- | |  | a. | procedural process | |  | b. | crime control | |  | c. | criminal defenses | |  | d. | due process of law |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 38. Which term is derived from the way crime is defined?   |  |  |  | | --- | --- | --- | |  | a. | due process | |  | b. | crime control | |  | c. | criminal defenses | |  | d. | due process of law |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 39. Which term refers to the repression of criminal conduct?   |  |  |  | | --- | --- | --- | |  | a. | due process | |  | b. | crime control | |  | c. | criminal defenses | |  | d. | due process of law |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 40. Which term refers to the protection of rights of the individual?   |  |  |  | | --- | --- | --- | |  | a. | due process | |  | b. | crime control | |  | c. | criminal defenses | |  | d. | due process of law |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| **CASE 1.1**  The creation of designer drugs is outpacing the ability of society to enact laws to prohibit them. Many of these substances have negative side effects, ranging from violent behavior to death. |

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| 41. Which of the following responses to the problem would best fit the due-process philosophy?   |  |  |  | | --- | --- | --- | |  | a. | Government takes steps to limit the availability of ingredients used in the manufacture of designer drugs. | |  | b. | Pass legislation and increase enforcement efforts to send a message of zero tolerance to those who manufacture, sell, and use designer drugs. | |  | c. | Dramatic increase in the use of drug courts to divert first-time offenders and defer prosecution. | |  | d. | Design public awareness campaign to warn potential users of the serious legal ramifications if they are caught with the drugs. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| **CASE 1.2**  Politicians have expressed their outrage at the designer drug problem by enacting legislation targeting manufacture, sale, and possession that require mandatory minimum sentences. The police across the country start making arrests based on this new legislation. |

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| 42. Which of the following aspects of the criminal justice process exemplify law on the books?   |  |  |  | | --- | --- | --- | |  | a. | Police *Mirandize* a suspect and obtain a voluntary confession. | |  | b. | At initial appearance, the judge sets a low bail because the jail is overcrowded. | |  | c. | The prosecutor meets with the defense attorney to discuss the terms of a plea agreement. | |  | d. | Upon accepting the plea, the judge sentences the defendant based on his own discretion. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 43. Which of the following aspects of the criminal justice process exemplify law in action?   |  |  |  | | --- | --- | --- | |  | a. | Police *Mirandize* a suspect and obtain a voluntary confession. | |  | b. | At initial appearance, the defendant is advised of his rights and bail is set according to the bond schedule. | |  | c. | The prosecutor meets with the public defender to discuss the terms of a plea agreement. | |  | d. | Upon pleading guilty, the defendant is dissatisfied with the sentence and appeals. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| **CASE 1.3**  As a result of increased enforcement efforts, the courts and correctional facilities are inundated with mostly low-level drug offenders. Public support of the newest campaign in the war on drugs is starting to wane as increasing taxes to build new jails to house pretrial detainees is discussed |

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| 44. Which of the following is NOT part of the crime control belief system?   |  |  |  | | --- | --- | --- | |  | a. | Individual responsibility is at issue when considering the ramifications of drug abuse. | |  | b. | Speedy trial legislation should be enacted to ensure that justice is not delayed. | |  | c. | The adversarial process at trial achieves the correct result. | |  | d. | Incarceration achieves the dual result of deterrence and increased public safety. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 45. Which of the following is NOT part of the due process belief system?   |  |  |  | | --- | --- | --- | |  | a. | The war on drugs has a disproportionate effect on racial minorities. | |  | b. | Speedy trial legislation should be enacted to ensure that justice is not delayed. | |  | c. | The adversarial process at trial achieves the correct result. | |  | d. | Rehabilitation achieves the dual result of deterrence and increased public safety. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 46. The term “dual court system” refers to separate state and federal courts.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 47. Approximately 2.5 million people work in the criminal justice system.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 48. The organization of prosecutors in the United States is consistent across the state and federal criminal justice system.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 49. The decisions of trial courts may be reviewed by appellate courts.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 50. Federal judges are elected in district-wide elections.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 51. In the crime control model, one goal is to process defendants quickly.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 52. The due process model emphasizes protecting the rights of the individual.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 53. The judge is generally the most influential official of the court house actors.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 54. In the United States, separate systems of federal courts and state courts exist.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 55. The use of precedent promotes fairness and consistency.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 56. Legislatures did not become a principal source of law in the United States until the 20th century.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 57. Selective incorporation refers to the application of certain provisions of the Bill of Rights to the states through the Fourteenth Amendment.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 58. Democratic governments derive their powers from the law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 59. The most controversial defense of justification is insanity.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 60. Necessity is not a defense recognized by law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 61. The mental state required for a crime to have been committed is referred to as the *actus reus*.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 62. To be criminal, an act must be voluntary.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 63. One of the five major areas of civil law is domestic relations law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 64. A law in action perspective stresses the importance of discretion.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 65. A narrow gap exists between legal theory and how that law is applied.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 66. A law in action perspective helps us understand the dynamics of courthouse justice.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 67. The crime control and due process models were developed by Herbert Packer.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 68. According to the due process model, the courts have hindered effective law enforcement.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 69. Proponents of the crime control model believe that the courts’ priority should be to protect the rights of the individual.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 70. Media coverage can provide caricatures, not pictures, of courts and the criminal justice system.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 71. The Wickersham Commission (1931) defined the \_\_\_\_\_\_\_\_\_\_\_\_ as “the inflicting of pain, physical or mental, to extract confessions or statements.”   |  |  | | --- | --- | | *ANSWER:* | third degree | |

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| 72. The public often blames \_\_\_\_\_\_\_\_\_\_\_\_ for allowing guilty defendants to go free on technicalities.   |  |  | | --- | --- | | *ANSWER:* | appellate courts | |

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| 73. One of the most fundamental rights granted to those accused of violating the criminal law is \_\_\_\_\_\_\_\_\_\_\_\_.   |  |  | | --- | --- | | *ANSWER:* | trial by jury | |

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| 74. \_\_\_\_\_\_\_\_\_\_\_\_ courts are divided into major and lower courts.   |  |  | | --- | --- | | *ANSWER:* | Trial | |

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| 75. In \_\_\_\_\_\_\_\_\_\_\_\_ courts, no trials are held, no jurors are employed, and no witnesses are heard.   |  |  | | --- | --- | | *ANSWER:* | appellate | |

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| 76. The \_\_\_\_\_\_\_\_\_\_\_\_ is the most influential of the courthouse actors.   |  |  | | --- | --- | | *ANSWER:* | prosecutor | |

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| 77. The term “\_\_\_\_\_\_\_\_\_\_\_\_” refers to the exchange of information prior to trial.   |  |  | | --- | --- | | *ANSWER:* | discovery | |

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| 78. The basis of law can be summarized in two words: \_\_\_\_\_\_\_\_\_\_\_\_ conflict.   |  |  | | --- | --- | | *ANSWER:* | human | |

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| 79. A ruling in a previous case that serves as a guide in deciding subsequent cases with similar circumstances is known as a(n) \_\_\_\_\_\_\_\_\_\_\_\_.   |  |  | | --- | --- | | *ANSWER:* | precedent | |

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| 80. In every criminal case the prosecution must prove what is known as \_\_\_\_\_\_\_\_\_\_\_\_, a Latin phrase meaning “body of the crime.”   |  |  | | --- | --- | | *ANSWER:* | *corpus delicti* | |

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| 81. The \_\_\_\_\_\_\_\_\_\_\_\_ is the name for the first ten Amendments of the U.S. Constitution.   |  |  | | --- | --- | | *ANSWER:* | Bill of Rights | |

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| 82. Law is both substantive and \_\_\_\_\_\_\_\_\_\_\_\_.   |  |  | | --- | --- | | *ANSWER:* | procedural | |

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| 83. The doctrine of applying the Bill of Rights to the states through the Fourteenth Amendment is known as \_\_\_\_\_\_\_\_\_\_\_\_.   |  |  | | --- | --- | | *ANSWER:* | selective incorporation | |

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| 84. The \_\_\_\_\_\_\_\_\_\_\_\_ of a crime provide the technical definition of a crime.   |  |  | | --- | --- | | *ANSWER:* | elements | |

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| 85. A \_\_\_\_\_\_\_\_\_\_\_\_ perspective helps us understand the dynamics of courthouse justice.   |  |  | | --- | --- | | *ANSWER:* | law in action | |

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| 86. The most important value in the \_\_\_\_\_\_\_\_\_\_\_\_ model is the repression of criminal conduct.   |  |  | | --- | --- | | *ANSWER:* | crime control | |

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| 87. The \_\_\_\_\_\_\_\_\_\_\_\_ model emphasizes protecting the rights of the individual.   |  |  | | --- | --- | | *ANSWER:* | due process | |

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| 88. In the \_\_\_\_\_\_\_\_\_\_\_\_, social consciousness began to focus on social equality and equal justice under law.   |  |  | | --- | --- | | *ANSWER:* | 1950s and 1960s | |

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| 89. Depending on the dramatic needs of the movie or TV show, police may be portrayed as \_\_\_\_\_\_\_\_\_\_\_\_.   |  |  | | --- | --- | | *ANSWER:* | diligent or brutal | |

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| 90. Most people in the United States learn about the ways in which criminal cases are processed through the courts from \_\_\_\_\_\_\_\_\_\_\_\_.   |  |  | | --- | --- | | *ANSWER:* | the media | |

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| 91. Contrast the due process and crime control models of criminal justice.   |  |  | | --- | --- | | *ANSWER:* | The crime control model’s key goal is the repression of criminal conduct, which is accomplished by apprehending, convicting, and punishing offenders. The crime control model advocates expeditious processing of offenders and reliance on informal fact-finding by the police and prosecutors to achieve the correct result. Crime is a breakdown of individual responsibility and self-control and that punishment acts a deterrent, as well as incapacitates offenders. The elimination of loopholes like the exclusionary rule and insanity defense are necessary to keep offenders from beating the system.  The due process model emphasizes protecting individual rights. Though concerned about crime, they believe that granting too much leeway to police will only result in loss of freedom and civil liberties of all. The due process model supports the presumption of innocence and enforces beliefs that formal fact-finding in an adversarial process will achieve the correct result. What the crime control model views as obstacles to justice are seen by due process advocates as necessary checks on unwarranted prosecutions. Emphasis is on the need to reform people through rehabilitation, which is best accomplished through increased use of community-based sentencing alternatives rather than prison sentences. | |

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| 92. List the steps in processing a typical felony case. Briefly describe what happens at each step.   |  |  | | --- | --- | | *ANSWER:* | 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. | |

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| 93. Describe some of the key differences between the law on the books and the law in action.   |  |  | | --- | --- | | *ANSWER:* | 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 more than 13 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 that prosecutors want charged. Felony defendants have a right to file a motion to suppress unconstitutionally seized evidence, but those motions are rarely granted. | |

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| 94. Contrast the roles of trial and appellate courts.   |  |  | | --- | --- | | *ANSWER:* | Most courts are trial courts. This is where trials are held, jurors are sworn, and witnesses are questioned. Trial courts are divided into major and lower courts. In lower courts, minor offenses are tried in front of a judge and the initial stages of felony cases—first appearance, arraignment, probable cause hearings—are held. Major trial courts handle the final phases of felony prosecutions, whether the defendant enters a guilty plea or takes the case to trial. Upon conviction, the defendant is sentenced.  Appellate courts review the decisions made by trial courts when issues are raised on appeal. In appellate courts, lawyers argue whether previous decisions correctly or incorrectly followed the law. Appellate review is not a trial. No witnesses are questioned, and no jurors are called upon to render a decision.  There are two levels of appellate courts at both the state and federal level: intermediate courts, which must hear all cases, and supreme courts, which pick and choose which cases they hear. The ultimate appellate court in the United States is the U. S. Supreme Court. | |

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| 95. Discuss the function and importance of the grand jury.   |  |  | | --- | --- | | *ANSWER:* | The grand jury is designed as a check on unwarranted prosecutions. All federal prosecutions and about half of the states require grand juries. The defendant and his/her attorney are not allowed to present evidence, call witnesses, or even be physically present. Grand jury proceedings are held in secret. Prosecutors must convince a majority of the grand jurors that a crime was committed and that there is probable cause that the defendant committed the crime. If the grand jury finds probable cause, it returns an indictment (true bill) that charges the defendant with the crime. If it refuses to indict the defendant, it is called a no bill or no true bill. In reality, grand juries are dominated by the prosecutor and rarely fail to indict in cases brought before them. | |

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| 96. Explain the function of the criminal justice system from both an interdependent system perspective as well as a fragmented non-system perspective.   |  |  | | --- | --- | | *ANSWER:* | The interdependent system perspective to criminal justice dominates contemporary thinking. It highlights the fact that police, courts, and corrections are interdependent and interrelated. Though separate, they must interact with one another. What one part of the criminal justice system does or doesn’t do directly affects the other two. The operations of law enforcement and corrections affect the judiciary. If more felons are arrested, the workload of prosecutors increases. The more overcrowded the prisons, the more difficult it is to make sentencing decisions. The decisions that courts make also have important consequences for law enforcement and corrections. The interdependence, however, does not necessarily translate into coordination and cooperation.  The fragmented nonsystem perspective highlights the fragmentation that characterizes each component of criminal justice. There are nearly 18,000 law enforcement agencies at the local, state, and federal level that operate independently of each other. There are more than 1,820 state and federal correctional facilities and thousands of local jails. Corrections also encompass community-based corrections such as probation, drug treatment, and halfway houses. Prosecutors and courts exist at the local, county, state, district, and national level. This complexity and fragmentation can lead to conflict between the various elements of the criminal justice system. | |

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| 97. Which amendments from the Bill of Rights are pertinent to criminal procedure? Describe what rights they affect or provide for defendants.   |  |  | | --- | --- | | *ANSWER:* | The Fourth Amendment provides protection against unreasonable searches and seizures and outlines warrant requirements. The Fifth Amendment provides the right against self-incrimination and against double jeopardy. The Sixth Amendment provides the right to counsel, a speedy and public trial by jury, the right to confront and cross-examine witnesses, and the right to compel witnesses to appear and testify. The Eighth Amendment prohibits cruel and unusual punishments and excessive bail and fines. These rights are the basis for the protection of defendants’ due process rights in criminal procedure. All of these Amendments in the Bill of Rights (the first ten Amendments to the Constitution) have been incorporated to apply to state criminal proceedings through the Fourteenth Amendment. | |

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| 98. Identify and explain the importance of the three key characteristics of the common law.   |  |  | | --- | --- | | *ANSWER:* | The three key characteristics of common law are: judge-made law, precedent, and multiple sources of law. Until the late 19th century, no important body of statutory law existed in either England or the United States. Rather, judges organized social relationships through law. Although legislation bodies, not the courts, now define crimes, contemporary statutory definitions often reflect their common law heritage. The doctrine of precedent requires a judge to decide a case by applying the rule of law found in previous cases, provided the facts in the current case are similar to the facts in the previous cases. By following previous court decisions, the legal system promotes the twin goals of fairness and consistency. Multiple sources of law means that it is not sufficient to look only at the legislative act when defining a crime. It is also necessary to know how the courts have interpreted the statute. Depending on the issue, the applicable rules of law may be found in constitutions, statutes, state administrative regulations, or court decisions. | |

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| 99. You are a judge in New York City at the time that the George Zimmerman/Trayvon Martin case is going on. You are familiar and have personally dealt with crimes of racial profiling in the past, but with this recent case, they have become more publicized and prominent. Claims of racial profiling in who was stopped, questioned, and frisked by New York City Police Department officers led to the federal courts adjudicating several class action civil rights lawsuits that ultimately resulted in a settlement involving judicial oversight of police stop-and-frisk activities. Because of this, and the acquittal of George Zimmerman for killing of Trayvon Martin, the Black Lives Matter movement was formed. Your viewpoint of a judge is that stop and frisk would be a helpful and necessary part of keeping the city safe. With your viewpoint as well as the above information, including recent racial profiling cases, how would you reexamine the use of force being legally justified? How do the facts about a case influence your opinion? Do you agree with the outcome of the George Zimmerman/Trayvon Martin case? Please fully explain.   |  |  | | --- | --- | | *ANSWER:* | Student responses will vary. | |

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| 100. American government is based on the principle of federalism, which distributes governmental power between national (usually referred to as federal) and state governments. In turn, state governments create local units of government, such as counties and cities. Each of these levels of government has its own array of police, courts, and corrections. This decentralization adds tremendously to the complexity of the American criminal justice system. For example, depending on the nature of the law allegedly violated, several different prosecutors may bring charges against a defendant, including the following: city attorney (local), district attorney (county), attorney general (state), U.S. attorney (U.S. district court), and U.S. attorney general (national).  You are a student who is curious the different types of attorneys, but think you would be interested in looking more into being a city attorney in a large city. In your research, what do you find out about what types of cases may you be involved in? Which types of cases would you be most and least interested in, and why? Are any of them, in your opinion, easier or more difficult than another? Please fully explain.   |  |  | | --- | --- | | *ANSWER:* | Student responses will vary. | |

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| 101. Consider that you are a deputy, and have just reviewed the following principles of contemporary criminal procedure:  a.   An involuntary statement is considered to be inherently untrustworthy or unreliable, and convictions based on unreliable evidence violate due process.  b.   Coercive police practices are a violation of fundamental fairness, an essential element of due process; therefore, a confession coerced by the police violates due process, even if that confession is otherwise reliable.  c.   Free choice is an essential aspect of due process, and an involuntary confession cannot be the product of a person’s free and rational choice.  ​  In your opinion, sometimes there are situations where force is necessary to gain confessions. With this in mind, but also considering the above prinicples, how forceful is acceptable and why? What are better alternatives? Also, what do you think should have happened to cases where force was exercised prior to the *Brown v. Mississippi* case? Have you heard of any cases since then that have used force to any degree either? What are your thoughts on those cases? Please fully explain.   |  |  | | --- | --- | | *ANSWER:* | Student responses will vary. | |

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| 102. Consider you are a prosecuting attorney, reviewing a textbook about criminal justice. What would be the impost important things you would look for when the text describes what makes felonies, misdemeanors, and violations different from each other? You know that in setting penalties, the law often makes a distinction based on the serious of the offense. The most serious crimes are called felonies and in most states, they are punishable by one year or more in prison. Less serious offenses are called misdemeanors, which are typically punishable by up to a one-year sentence in a local jail. And finally, the least serious offenses are called violations, which are subject to fines or very short jail terms.  The next day you presented with a new case. What kinds of things would you take into consideration when determining what charge an offense is? Are there any things that you think could be considered more than one offense, or even could boarder one or another offense (as in, is there an offense that could be considered a felony or a misdemeanor?). How would you make your determination? Give an example and fully explain.   |  |  | | --- | --- | | *ANSWER:* | Student responses will vary. | |

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| 103. Consider that you are on a case where a child is on trial for the murder of his own father. You have a son of your own and have a very close relationship with him. You realize, though, that though you cannot understand how a child could kill his father, this case could fall under a defense of excuse. These cases typically seek to excuse acts committed by defendants who should not be held criminally responsible for their actions because they were too young or because their mental state prevented them from understanding the consequences of their actions. The law recognizes youthful age as a criminal defense under certain circumstances. Knowing what you do about the case, the defense of excuse, and your own relationship with your child, what is your opinion on how a child should be charged? Does it depend on the seriousness of the case, or no? Why or why not? Fully explain.   |  |  | | --- | --- | | *ANSWER:* | Student responses will vary. | |