Chapter 1: The Nature, Purpose, and Function of Criminal Law

Test Bank

# Multiple Choice

1. A crime punishable by more than 1 year of imprisonment is a \_\_\_\_\_\_.

A. gross misdemeanor

B. felony

C. violation

D. petty misdemeanor

Ans: B

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Categories of Crime | Felonies and Misdemeanors

Difficulty Level: Easy

2. A determination of probable cause made by the prosecutor results in the filing of a(n) \_\_\_\_\_\_.

A. information

B. indictment

C. post arrest investigation

D. sentence

Ans: A

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Knowledge

Answer Location: The Criminal Justice Process | Pretrial

Difficulty Level: Easy

3. When the U.S. Supreme Court issues an opinion, the opinion that establishes legal precedent is known as the \_\_\_\_\_\_.

A. concurring opinion

B. plurality opinion

C. dissenting opinion

D. majority opinion

Ans: D

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Knowledge

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

4. A court decision that does not identify the authoring judge is the definition of what type of decision?

A. plurality

B. certiorari

C. per curiam

D. precedent

Ans: C

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Knowledge

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

5. Which of the following articles of the U.S. Constitution establishes the federal judicial system?

A. Article IV

B. Article II

C. Article I

D. Article III

Ans: D

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Knowledge

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

6. When a cause of action may be filed in either state or federal court, the courts are said to have \_\_\_\_\_\_.

A. inferior jurisdiction

B. concurrent jurisdiction

C. original jurisdiction

D. en banc jurisdiction

Ans: B

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Knowledge

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

7. Jack is charged with first-degree murder and is set for trial in the same jurisdiction where the alleged crime occurred. Because of the high-profile nature of the case, Jack’s attorney wants to move the trial to another location. Jack’s lawyer should file a(n) \_\_\_\_\_\_.

A. pretrial motion

B. indictment

C. appeal

D. postarrest investigation

Ans: A

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Application

Answer Location: The Criminal Justice Process

Difficulty Level: Medium

8. One day, police officers were involved in a high-speed chase through city limits after a driver speeded through a school zone. When they finally caught up with the driver, the police immediately arrested Betty at the scene. Because Betty was arrested at the scene and without a warrant, the court may hold a hearing during first appearance to determine whether there was probable cause to arrest her. This hearing is known as \_\_\_\_\_\_.

A. Richardson hearing

B. Allen hearing

C. Lewis hearing

D. Gerstein hearing

Ans: D

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Application

Answer Location: The Criminal Justice Process

Difficulty Level: Medium

9. The defendant, Will, was convicted of a crime and decided to appeal his conviction. On appeal, Will is known as the \_\_\_\_\_\_.

A. prosecutor

B. appellant

C. writ

D. appellee

Ans: B

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Comprehension

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

10. The criminal intent required to commit a crime is known as \_\_\_\_\_\_.

A. *mens rea*

B. *actus reus*

C. causation

D. affirmation

Ans: A

Learning Objective: 1-2: There is no significant relationship between the criminal law and criminal procedure.

Cognitive Domain: Knowledge

Answer Location: The Principles of Criminal Law

Difficulty Level: Easy

11. The U.S. Supreme Court is comprised of a chief justice and \_\_\_\_\_\_ associate justices.

A. five

B. two

C. seven

D. eight

Ans: D

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Knowledge

Answer Location: The Federal Judicial System

Difficulty Level: Easy

12. A crime is what the \_\_\_\_\_\_ declares to be a criminal offense and punishable with a penalty.

A. judge

B. law

C. individual

D. court

Ans: B

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Knowledge

Answer Location: The Nature of Criminal Law

Difficulty Level: Easy

13. \_\_\_\_\_\_ plays a role in classifying mala in se and mala prohibita crimes?

A. Seriousness

B. Moral turpitude

C. Criminal procedure

D. Institution

Ans: B

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Mala in Se and Mala Prohibita

Difficulty Level: Easy

14. A defendant in a criminal trial will likely face less than 6 months imprisonment if found guilty for the charges they are being accused of. What type of offense would they be charged with?

A. gross misdemeanor

B. petty misdemeanor

C. first-degree felony

D. minor felony

Ans: B

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Application

Answer Location: Felonies and Misdemeanors

Difficulty Level: Medium

15. Mari was pulled over after driving 64 mph in a 35-mph zone. After being pulled over by a police officer, she is given a ticket that carries a large fine. This type of behavior would likely be classified as a \_\_\_\_\_\_.

A. misdemeanor

B. felony

C. capital felony

D. violation or infraction

Ans: D

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Application

Answer Location: Felonies and Misdemeanors

Difficulty Level: Medium

16. Capital felonies are crimes subject to what type of punishment?

A. Either the death penalty or to life in prison in states that do not have the death penalty.

B. life in prison and a $15,000 fine

C. fifty years in prison with the possibility of parole

D. thirty years in prison

Ans: A

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Felonies and Misdemeanors

Difficulty Level: Easy

17. What type of crimes would be considered to be “crimes against the state?”

A. kidnapping, murder, sedation, and espionage

B. fraud, treason, sedation, and espionage

C. terrorism, computer crime, sedation, and espionage

D. terrorism, treason, sedation, and espionage

Ans: D

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Subject Matter

Difficulty Level: Easy

18. A riot would be classified as what type of crime?

A. crimes against the Administration of Justice

B. crimes against the public and social order and morality

C. crimes against property and habitation

D. crimes against the country

Ans: B

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Subject Matter

Difficulty Level: Easy

20. In some states, this expression refers to crimes subject to between 6 months and 12 months in prison.

A. petty misdemeanor

B. petty felony

C. gross misdemeanor

D. gross felony

Ans: C

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Felonies and Misdemeanors

Difficulty Level: Easy

21. Sources of criminal law in the United States are considered to be all of the following EXCEPT \_\_\_\_\_\_.

A. international morality

B. English and American common law

C. state criminal codes

D. international treaties

Ans: A

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Application

Answer Location: Sources of Criminal Law

Difficulty Level: Medium

22. What type of crime is punishable by death or imprisonment for more than 1 year?

A. personal injury

B. misdemeanor

C. felony

D. infraction

Ans: C

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Felonies and Misdemeanors

Difficulty Level: Easy

23. Which branch of law protects the individual rather than the public interest?

A. the eighth branch

B. individual law

C. criminal law

D. civil law

Ans: D

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Comprehension

Answer Location: Criminal and Civil Law

Difficulty Level: Easy

24. The federal criminal code compiles the criminal laws adopted by the \_\_\_\_\_\_.

A. Constitution

B. state criminal code

C. U.S. Congress

D. Supreme Court

Ans: C

Learning Objective: 1-2: There is no significant relationship between the criminal law and criminal procedure.

Cognitive Domain: Knowledge

Answer Location: Federal Statutes

Difficulty Level: Easy

25. Mala prohibita offenses are not “inherently evil” and only are considered wrong because they are prohibited by \_\_\_\_\_\_?

A. courts

B. *mens rea*

C. statute

D. a judge

Ans: C

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Comprehension

Answer Location: Mala in Se and Mala Prohibita

Difficulty Level: Easy

26. \_\_\_\_\_\_ involves a study of the legal standards governing the detection, investigation, and prosecution of crime.

A. Criminal procedure

B. Law school

C. Substantive criminal procedure

D. Substantive criminal law

Ans: A

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: The Principles of Criminal Law

Difficulty Level: Easy

27. The New York criminal code sets out what basic purposes of criminal law?

A. guilt, victims, offenders, and wrongdoing

B. function, offenders, punishment, seriousness, and definition

C. harm, victims, punishment, seriousness, definition, and warning

D. harm, understanding, seriousness, definition, and warning

Ans: C

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: The Purpose of Criminal Law

Difficulty Level: Medium

28. A tort is defined as an injury to a/an \_\_\_\_\_\_.

A. person or to his or her property

B. animal

C. grievance

D. street sign

Ans: A

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Knowledge

Answer Location: Criminal and Civil Law

Difficulty Level: Easy

29. These types of crime are subject to the death penalty or life in prison.

A. capital felonies

B. evil crimes

C. gross felonies

D. capital misdemeanors

Ans: A

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Comprehension

Answer Location: Felonies and Misdemeanors

Difficulty Level: Easy

30. In what type of state is the common law applied if the state legislature has not adopted a law in a particular area?

A. federal state statutes

B. English law states

C. common law states

D. federal law states

Ans: C

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: State Criminal Codes

Difficulty Level: Easy

31. English common law is the foundation of \_\_\_\_\_\_.

A. Parliament

B. English civil law

C. American colonies

D. American criminal law

Ans: D

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: The Common Law

Difficulty Level: Easy

32. This past weekend, Carl went to a party and drank quite a bit. He decided to take a walk in the local park because he knew he was too intoxicated to drive. Although it was 1 a.m., he was singing at the top of his lungs and local residents called the police to complain about his behavior. If he is found to have committed a crime it would likely be which of the following?

A. *mala in se*

B. crimes against property

C. crimes against persons

D. *mala prohibita*

Ans: D

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Application

Answer Location: Mala in Se and Mala Prohibita

Difficulty Level: Medium

33. Circuit courts of appeals sit in three-judge panels. In certain important cases, all of the judges in the circuit will sit **\_\_\_\_\_\_**.

A. mala in se

B. on in important decisions

C. per curiam

D. en banc

Ans: D

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Knowledge

Answer Location: The Federal Judicial System

Difficulty Level: Easy

34. What type of Supreme Court opinion is referred to as “the law of the land?”

A. concurring

B. dissenting

C. plurality

D. majority

Ans: B

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Knowledge

Answer Location: The Federal Judicial System

Difficulty Level: Easy

35. The U.S. Constitution \_\_\_\_\_\_ provides that the federal law is superior to a state law within those areas that are preserved for the federal government.

A. Constitution

B. state criminal code

C. federal criminal code

D. Supremacy Clause

Ans: D

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Knowledge

Answer Location: Federal Statutes

Difficulty Level: Easy

36. The standardized set of laws established to encourage states to adopt a uniform codes and corresponding definitions is called \_\_\_\_\_\_.

A. common law

B. international treaty

C. state criminal codes

D. Model Penal Code

Ans: D

Learning Objective: 1-7: Criminal law is different from other areas of the law in that judges are not required to follow the precedent established in previous cases.

Cognitive Domain: Knowledge

Answer Location: The Model Penal Code

Difficulty Level: Easy

37. Jennifer recently lost her job and is finding it difficult to make ends meet. She has been considering breaking into homes in a nice neighborhood to see what she can find to take to the pawn shop. Although she knows that stealing is wrong, she thinks people may not notice if she takes items they don’t need or have enough money to replace the items. Jennifer is considering committing which type of crime?

A. search and seizure

B. mala prohibita

C. due process violations

D. mala in se

Ans: D

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Application

Answer Location: Felonies and Misdemeanors

Difficulty Level: Medium

38. A man who was recently imprisoned for a felony was released just a month ago. As a result of his conviction, he can face all of the following challenges EXCEPT \_\_\_\_\_\_.

A. bar you from any and all employment

B. bar you from being admitted to the armed forces

C. unable to adopt a child

D. unable to be licensed in various professions

Ans: A

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Application

Answer Location: *Mala in Se and Mala Prohibita*

Difficulty Level: Medium

39. Reception statutes allow a/an \_\_\_\_\_\_ to incorporate the common law as an unwritten part of the criminal law.

A. corporation

B. state

C. individual

D. criminal law

Ans: B

Learning Objective: 1-7: Criminal law is different from other areas of the law in that judges are not required to follow the precedent established in previous cases.

Cognitive Domain: Comprehension

Answer Location: State Criminal Codes

Difficulty Level: Easy

40. By the year 1600, the following common law crimes were developed.

A. false pretenses, sedition, solicitation, and blasphemy

B. mayhem, rape, robbery, and embezzlement

C. arson, burglary, larceny, and manslaughter

D. rape, mayhem, blasphemy, and sedition

Ans: C

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Knowledge

Answer Location: The Common Law

Difficulty Level: Easy

# True/False

1. Late one night, Jerry robbed a convenience store. He escaped the convenience store without being captured and ran to a nearby neighborhood where he burglarized several cars. Jerry was later caught and charged with robbery and burglary. The crimes with which Jerry was charged are considered *mala prohibita*.

Ans: F

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Comprehension

Answer Location: Categories of Crime | Felonies and Misdemeanors

Difficulty Level: Easy

2. With the exception of Alaska, all 50 states immediately recognized the English common law upon admission to the union.

Ans: F

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Knowledge

Answer Location: Sources of Criminal Law

Difficulty Level: Easy

3. The U.S. Constitution requires verdicts in criminal trials to be unanimous.

Ans: F

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Knowledge

Answer Location: The Criminal Justice Process

Difficulty Level: Easy

4. Al challenged a state statute all the way to the state supreme court, arguing that it violated the state constitution. If the U.S. Supreme Court were to review the state court’s decision, the state would be bound by the U.S. Supreme Court’s interpretation.

Ans: F

Learning Objective: 1-7: Criminal law is different from other areas of the law in that judges are not required to follow the precedent established in previous cases.

Cognitive Domain: Comprehension

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

5. A justice on the U.S. Supreme Court recuses herself from a case due to a conflict of interest. When the court releases its decision, the vote among the eight justices is evenly split. The result of the decision is that the lower court’s decision remains in effect.

Ans: T

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Comprehension

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

6. A state legislature is considering passing a new criminal statute. A version of the statute is already contained in the Model Penal Code. The legislature does not have any jurisdiction in drafting the statute because the legislature is bound by the statute contained in the Model Penal Code.

Ans: F

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Comprehension

Answer Location: Sources of Criminal Law | The Model Penal Code

Difficulty Level: Medium

7. The purpose of criminal law is to protect the interests of the individual.

Ans: F

Learning Objective: 1-2: There is no significant relationship between the criminal law and criminal procedure.

Cognitive Domain: Knowledge

Answer Location: The Purpose of Criminal Law

Difficulty Level: Easy

8. With the exception of certain important cases, circuit courts of appeals sit in three-judge panels.

Ans: T

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Knowledge

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

9. Taylor is an inmate who believes that she is illegally incarcerated. If she wishes to challenge the legality of her incarceration, she should file a petition for habeas corpus review.

Ans: T

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Comprehension

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Medium

10. “To stand by precedent and to stand by settled points” is the definition of *stare decisis*.

Ans: T

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Knowledge

Answer Location: Precedent

Difficulty Level: Easy

11. Criminal procedure is concerned with “what law is enforced.”

Ans: F

Learning Objective: 1-2: There is no significant relationship between the criminal law and criminal procedure.

Cognitive Domain: Comprehension

Answer Location: The Principles of Criminal Law

Difficulty Level: Easy

12. The foundation of American criminal law is the English Common Law

Ans: T

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: The Common Law

Difficulty Level: Easy

13. Criminal law defines the acts that may lead to an arrest, prosecution, and imprisonment.

Ans: T

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Comprehension

Answer Location: The Purpose of Criminal Law

Difficulty Level: Easy

14. The United States has a system of dual sovereignty.

Ans: T

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: Federal Statutes

Difficulty Level: Easy

15. Criminal acts that cause modest social harm are accompanied with no imprisonment term are referred to as violations or infractions.

Ans: T

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Felonies and Misdemeanors

Difficulty Level: Easy

16. The French Common Law is the foundation of American criminal law.

Ans: F

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: The Common Law

Difficulty Level: Easy

17. Dual sovereignty is a term for the sharing of power between state and city governments.

Ans: F

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: Federal Statutes

Difficulty Level: Easy

18. When federal and state laws conflict, the Model Penal Code deems the federal law superior.

Ans: F

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Application

Answer Location: Federal Statutes

Difficulty Level: Medium

19. A misdemeanor is a crime which is punishable by less than 1 year in prison.

Ans: T

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Knowledge

Answer Location: Felonies and Misdemeanors

Difficulty Level: Easy

20. A criminal act, criminal intent, and concurrence are required for most crimes.

Ans: T

Learning Objective: 1-1: There is no significant relationship between the criminal law and criminal procedure.

Cognitive Domain: Application

Answer Location: The Principles of Criminal Law

Difficulty Level: Medium

# Short Answer

1. Describe the purpose of criminal law.

Ans: A strong answer will define the purpose of criminal law as to maintain social order and stability.

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Comprehension

Answer Location: The Purpose of Criminal Law

Difficulty Level: Easy

2. Discuss the differences between civil and criminal law.

Ans: A strong answer will include the following differences between criminal and civil law. Criminal law protects the public interest, requires a burden of proof beyond a reasonable doubt, and any legal action is brought by a prosecutor. Consequences of criminal law may result in permanent loss in freedom, life, or property. Civil law protects individuals rather than the public interest. Consequences of civil law may result in loss of property, typically in monetary terms.

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Analysis

Answer Location: Criminal and Civil Law

Difficulty Level: Medium

3. Define and discuss the difference between mala in se and mala prohibita crimes.

Ans: Varies. Mala in se: Crimes that are considered to be inherently evil and would be condemned by society even without any legislative policies that prohibit it. Mala prohibita: Crimes that are not necessarily considered inherently evil but are still punishable because a statute prohibits it.

Learning Objective: 1-3: The primary distinction between felonies and misdemeanors is that felonies may result in incarceration and that misdemeanors may result in only a monetary fine.

Cognitive Domain: Application

Answer Location: Mala in Se and Mala Prohibita

Difficulty Level: Medium

4. What is the significance of the Model Penal Code?

Ans: A solid answer will explain the significance of the Model Penal Code as it provides a standardized foundation for states when codifying criminal acts. The Model Penal Code also establishes uniform definitions of concepts that may differ from state to state.

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Comprehension

Answer Location: The Model Penal Code

Difficulty Level: Easy

5. Discuss what is a crime.

Ans: A strong answer will define crime as whatever the law declares to be a criminal offense and punishes with a penalty.

Learning Objective: 1-1: The only difference between criminal law and civil law is that violation of a criminal law may result in imprisonment.

Cognitive Domain: Comprehension

Answer Location: The Nature of Criminal Law

Difficulty Level: Easy

6. List the eight classification categories of crime according to their subject matter.

Ans: A strong answer will identify the following: crimes against the state; crimes against the person, homicide; crimes against the person, sexual offenses, and other crimes; crimes against habitation; crimes against property; crimes against public order; crimes against the administration of justice; and crimes against public morals.

Learning Objective: 1-2: There is no significant relationship between the criminal law and criminal procedure.

Cognitive Domain: Application

Answer Location: Subject Matter

Difficulty Level: Medium

7. Explain why the U.S. Constitution states that federal laws may not encroach upon state powers.

Ans: Must include the concept of dual sovereignty, preemption doctrine, supremacy clause, and interstate commerce clause. They may discuss and provide examples of why the interstate commerce clause provides a thin line for federal laws to take over state.

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Analysis

Answer Location: Federal Statutes

Difficulty Level: Medium

8. List five of the seven sources of criminal law in the United States.

Ans: English and American common law, state criminal codes, municipal ordinances, federal criminal code, state and federal constitutions, international treaties, and judicial decisions.

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Knowledge

Answer Location: Sources of Criminal Law

Difficulty Level: Easy

9. Discuss the limitations that the U.S. Constitution places on criminal law.

Ans: Must list the four limitations: (a) A state or local law may not regulate an area that is reserved to the federal government, (b) a law may only infringe upon civil and political rights in compelling circumstances, (c) a law must be clearly written and citizens and police must be given notice, (d) a law must not impose cruel and unusual punishment and a law may not be retroactive. Must also explain the significance of each limitation and the various implications they pose if violated.

Learning Objective: 1-7: Criminal law is different from other areas of the law in that judges are not required to follow the precedent established in previous cases.

Cognitive Domain: Analysis

Answer Location: Sources of Criminal Law | Constitutional Limitations

Difficulty Level: Hard

10. Describe the origins and development of the English common law and its eventual transportation to the American colonies.

Ans: Discuss the historical facts surrounding the development of English common law (William the Conqueror wanting to establish legal uniformity). It is important to discuss that common law is based on the decisions made by judges. Should also include its transportation to the American colonies and the gradual adoption of common law by the colonies.

Learning Objective: 1-4: A state criminal code will tell you all you need to know to understand the elements of crimes and criminal defenses in a state.

Cognitive Domain: Analysis

Answer Location: The Common Law

Difficulty Level: Medium

# Essay

1. Describe the three levels of the federal judicial system.

Ans: (1) Trial courts: Federal District Courts. These courts are the lowest level of court. Trials are presided over by one judge. (2) Intermediate appellate courts: Circuit Courts of Appeals. These intermediate courts normally sit in three-judge panels unless the entire circuit court sits en banc for an important case. These courts do not have original jurisdiction. (3) Court of last resort: U.S. Supreme Court. This court is the highest court in the federal system. This court has the ultimate authority on issues involving the U.S. Constitution and matters of federal law.

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Knowledge

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

2. Outline the stages of the criminal justice process.

Ans: The correct answer will include the following stages: (1) criminal investigation, (2) arrest, (3) postarrest, (4) postarrest investigation, (5) the criminal charge, (6) pretrial, (7) pretrial motions, (8) trial, (9) sentencing, (10) appeal, and (11) postconviction.

Learning Objective: 1-5: After being charged with a federal criminal offense, the next procedural step is for a defendant to stand trial in federal court.

Cognitive Domain: Knowledge

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Easy

3. Discuss the purpose and various critiques of lifetime appointments for federal judges.

Ans: The purpose is to allow federal judges to make decisions that are free from political influence and pressure. However, some criticize lifetime appointments because they usually mean that there will be no turnover on the court for long periods of time. Some argue that consequently, a lifetime appointment is inconsistent with democratic values.

Learning Objective: 1-6: All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court.

Cognitive Domain: Comprehension

Answer Location: The Structure of the Federal and State Court Systems

Difficulty Level: Medium

4. Define and discuss the value of precedent.

Ans: Precedent is binding authority on courts within a given jurisdiction. The reliance on precedent upholds the doctrine of *stare decisis*, which means “to stand by precedent and to stand by settled points.” Reliance on precedent is valuable to courts and parties because it allows for consistency between cases. “[C]ourts do not have to reinvent the wheel.”

Learning Objective: 1-6 All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court | Learning Objective: 1-7: Criminal law is different from other areas of the law in that judges are not required to follow the precedent established in previous cases.

Cognitive Domain: Knowledge | Analysis

Answer Location: Precedent

Difficulty Level: Medium

5. Explain the difference between binding and persuasive authority, and what happens in the event of an issue of first impression.

Ans: Binding authority is mandatory authority that courts within a jurisdiction must follow. In contrast, a court is not bound by persuasive authority. A court may consider it for persuasive value, but it is not required to follow it. For example, decisions from the highest court in California are binding on all lower courts in California. However, that decision would not be binding on a court in any other state. The opinion would, at best, have persuasive value. In the event of an issue of first impression, there is no binding decision in the jurisdiction. In that case, decisions from other jurisdictions that have decided the issue would have persuasive value.

Learning Objective: 1-6 All state court systems provide that a criminal defendant has the right to an automatic appeal to the state supreme court | Learning Objective: 1-7: Criminal law is different from other areas of the law in that judges are not required to follow the precedent established in previous cases.

Cognitive Domain: Analysis

Answer Location: Precedent

Difficulty Level: Medium