

# TEST BANK

## CHAPTER 1 The Basics of Criminal Law

### Chapter 1 Multiple Choice

Read each question thoroughly and choose the most appropriate answer.

1. At the state level, what reference is used when referring to trial courts?
  - a. Courts of limited jurisdiction
  - b. Courts of general jurisdiction
  - c. District courts
  - d. None of the above

Answer: b

Objective: 1-4 Court Organization: Describe the structure of the U.S. legal system, including jurisdiction.

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Level: Basic

2. At the federal level, what reference is used when referring to trial courts?
  - a. Courts of limited jurisdiction
  - b. Courts of general jurisdiction
  - c. District courts
  - d. None of the above

Answer: c

Objective: 1-4 Court Organization: Describe the structure of the U.S. legal system, including jurisdiction.

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Level: Basic

3. Which of the following is a relevant constitutional amendment in criminal procedure?
  - a. The Fourth Amendment
  - b. The Fifth Amendment
  - c. The Fourteenth Amendment
  - d. All of the above

Answer: d

Objective: 1-2 Sources of Criminal Law: Identify the sources of the criminal law.

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Level: Basic

4. Which Amendment states: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of

life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation?"

- a. Fourth
- b. Fifth
- c. Sixth
- d. Eighth

Answer: b

Objective: 1-2 Sources of Criminal Law: Identify the sources of the criminal law.

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Level: Basic

5. What protection is provided by the Fourth Amendment?

- a. Self-incrimination
- b. Due process violations
- c. Unreasonable searches and seizures
- d. Cruel and unusual punishments

Answer: c

Objective: 1-2 Sources of Criminal Law: Identify the sources of the criminal law.

Page number: 14

Level: Basic

6. What protection is provided by the Fifth Amendment?

- a. Double jeopardy
- b. Self-incrimination
- c. Due process violations
- d. All of the above

Answer: d

Objective: 1-2 Sources of Criminal Law: Identify the sources of the criminal law.

Page number: 14

Level: Basic

7. Which of the following apply to the Fifth Amendment?

- a. Speedy trials
- b. Compulsory process
- c. Public trials
- d. All of the above

Answer: d

Objective: 1-2 Sources of Criminal Law: Identify the sources of the criminal law.

Page number: 14

Level: Basic

8. Which applies to courts of limited jurisdiction?

- a. Courts of limited jurisdiction try all criminal cases.
- b. Courts of limited jurisdiction hear appeals.
- c. Courts of limited jurisdiction hear only traffic cases.

d. None of the above

Answer: d

Objective: 1-4 Court Organization: Describe the structure of the U.S. legal system, including jurisdiction.

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Level: Basic

9. What do some consider to be the *only* goal of the criminal law?

- a. Retribution
- b. Punishment
- c. Rehabilitation
- d. None of the above

Answer: b

Objective: 1-1 Preliminary Information:

- Define crime and criminal law.
- Explain the difference between substantive criminal law and criminal procedure.
- Identify the goals of the criminal law.
- Describe the various classifications of crime.

Page number: 4

Level: Basic

10. One of the goals of the criminal law is community protection, which stems from what type of perspective?

- a. Totalitarian
- b. Incapacitation
- c. Utilitarian
- d. None of the above

Answer: c

Objective: 1-1 Preliminary Information:

- Define crime and criminal law.
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Page number: 5

Level: Basic

11. How many federal district courts are there in the U.S.?

- a. 10
- b. 89
- c. 92
- d. 94

Answer: d

Objective: 1-4 Court Organization: Describe the structure of the U.S. legal system, including jurisdiction.

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Level: Basic

12. Regarding appellate courts, which statement is true?
- Appellate courts can overrule their prior precedent.
  - Appellate courts engage in rule-making.
  - Appellate courts can reverse lower courts' factual decisions only for clear error.
  - All the above

Answer: d

Objective:

1-1 Preliminary Information:

- Define crime and criminal law.
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1-4 Court Organization:

- Describe the structure of the U.S. legal system, including jurisdiction

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Level: Basic

13. What happens when an appellate court reverses a lower court's decision?
- The case is sent back to the trial level for further action consistent with the appellate decision.
  - The reversal nullifies or sets aside a trial verdict.
  - The reversal sets the defendant free.
  - None of the above.

Answer: b

Objective: 1-3 Reaching a Verdict:

- Describe the adversarial system.
- Identify courtroom participants.

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Level: Basic

14. Which of the following appellate decisions most closely resembles a reversal?
- Remand
  - Affirm
  - Vacate
  - None of the above

Answer: c

Objective:

1-1 Preliminary Information:

- Define crime and criminal law.
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- Describe the various classifications of crime.

1-3 Reaching a Verdict:

- Describe the adversarial system.

- Identify courtroom participants.

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Level: Basic

15. What does that mean when an appellate court agrees with a lower court's decision?
- a. The appellate court affirms the decision.
  - b. The appellate court reverses the decision.
  - c. The appellate court vacates the decision.
  - d. The appellate court remands the decision.

Answer: a

Objective:

1-1 Preliminary Information:

- Define crime and criminal law.
- Explain the difference between substantive criminal law and criminal procedure.
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1-3 Reaching a Verdict:

- Describe the adversarial system.
- Identify courtroom participants.

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Level: Basic

16. What is the action brought forth by victims for the purpose of gaining financial compensation for injuries or losses suffered because of wrongful actions from another?
- a. Criminal procedure
  - b. Tort
  - c. Criminal tort
  - d. None of the above

Answer: b

Objective: 1-1 Preliminary Information:

- Define crime and criminal law.
- Explain the difference between substantive criminal law and criminal procedure.
- Identify the goals of the criminal law.
- Describe the various classifications of crime.

Page number: 3

Level: Intermediate

17. What is a "planned intervention that is intended to change offenders for the better"?
- a. Rehabilitation
  - b. Retaliation
  - c. Restoration
  - d. Regulation

Answer: a

Objective: 1-1 Preliminary Information

- Define crime and criminal law.
- Explain the difference between substantive criminal law and criminal procedure.

- Identify the goals of the criminal law.
- Describe the various classifications of crime.

Page number: 6

Level: Basic

18. What is the process whereby all the parties with a state in a particular offense come together to resolve, collectively, how to deal with the aftermath of the offense and its implications for the future?

- a. Rehabilitation
- b. Retaliation
- c. Corrective action
- d. Restoration

Answer: d

Objective: 1-1 Preliminary Information:

- Define crime and criminal law.
- Explain the difference between substantive criminal law and criminal procedure.
- Identify the goals of the criminal law.
- Describe the various classifications of crime.

Page number: 6

Level: Basic

19. What protects offenders by ensuring proportionate and non-arbitrary punishment?

- a. Criminal law
- b. Criminal action
- c. Criminal rights
- d. Criminal activists

Answer: a

Objective: 1-1 Preliminary Information:

- Define crime and criminal law.
- Explain the difference between substantive criminal law and criminal procedure.
- Identify the goals of the criminal law.
- Describe the various classifications of crime.

Page number: 7

Level: Intermediate

20. What major government document announces important limitations on government authority with respect to the investigation and prosecution of crime?

- a. Criminal statutes
- b. Common law
- c. Bill of Rights
- d. Penal code

Answer: c

Objective: 1-2 Sources of Criminal Law: Identify the sources of the criminal law.

Page number: 13

Level: Difficult

21. What promotes argument, debate, and openness within the court system of the United States?
- Adversarialism
  - Controversialism
  - Controlism
  - Argumentarism

Answer: a

Objective: 1-3 Reaching a Verdict:

- Describe the adversarial system.
- Identify courtroom participants.

Page number: 16

Level: Intermediate

22. In criminal prosecution, what falls first on the government as the responsibility to provide evidence that a person committed a crime?
- Probable cause
  - Evidentiary action
  - Burden of proof
  - Presentation to the jury

Answer: c

Objective: 1-3 Reaching a Verdict:

- Describe the adversarial system.
- Identify courtroom participants.

Page number: 17

Level: Intermediate

23. What evidence seeks to demonstrate a certain point, such as drawings, diagrams, illustrations, and computer simulations that are used to help jurors understand how a crime was likely committed?
- Demonstrative evidence
  - Circumstantial evidence
  - Real evidence
  - Material evidence

Answer: a

Objective: 1-3 Reaching a Verdict:

- Describe the adversarial system.
- Identify courtroom participants.

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Level: Intermediate

24. What is the jury practice of either ignoring or misapplying the law in a certain situation that is opposite of what would be expected by tradition, process, or law?
- Jury notification
  - Jury criminalization
  - Jury nullification
  - Jury inaction

Answer: c

Objective: 1-3 Reaching a Verdict:

- Describe the adversarial system.
- Identify courtroom participants.

Page number: 25

Level: Intermediate

25. A case brief includes answers to which of the following questions?

- a. What is procedural history?
- b. What is the holding, decision, or disposition?
- c. What is the essence of the dissent, if there is one?
- d. All of the above

Answer: d

Objective: 1-5 Learning Criminal Law with Real and Hypothetical Cases

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Level: Basic