

Exam 1 – Study Guide
CRJ 373 – Criminal Law

MULTIPLE CHOICE

1. Which of the following cases makes clear the need for punishment to make condemnation meaningful?
- a. *Commonwealth v. Rhodes* 1996
 - b. *Chaney v. State* (1970)
 - c. *Keeler v. Superior Court* (1970)
 - d. *U.S. v. Hudson and Goodwin* (1812)

REF: p. 9

2. Private wrongs for which you can sue the party who wronged you and recover money are known as
- a. torts.
 - b. misdemeanors.
 - c. regulatory violations.
 - d. *mala prohibita* offenses.

REF: p. 8

3. Who has the burden of proof regarding criminal conduct?
- a. the judge
 - b. the jury
 - c. the defense
 - d. the prosecution

REF: p. 12, 29

4. Defendants who have committed a _____ must be in court for their trials.
- a. misdemeanor
 - b. gross misdemeanor
 - c. violation
 - d. felony

REF: p. 11

5. An offense which is punishable by one year or more in a state prison is called a
- a. common-law crime.
 - b. code offense.
 - c. misdemeanor.
 - d. felony.

REF: p. 11

6. The law that says that human beings seek pleasure and avoid pain is the law of:
- rationalism.
 - hedonism.
 - minimalization.
 - rationalization.

REF: p. 25

7. Who is credited with first formulating classical deterrence theory?
- Bentham
 - Robinson
 - Miranda
 - Hart

REF: p. 25

8. The general part of criminal law consists of
- the definitions of common terms.
 - crimes that are common in every jurisdiction.
 - principles that apply to more than one crime.
 - definitions of specific crimes.

REF: p. 12

9. To obtain a conviction, the prosecution must prove every element of the offense
- by a preponderance of the evidence.
 - beyond a reasonable doubt.
 - by showing probable cause.
 - beyond a shadow of a doubt.

REF: p. 12

10. Which of the following is not one of the criteria required for criminal punishment?
- The penalty inflicts pain or unpleasant consequences.
 - The penalty inflicts pain that is perceived by the public to be appropriate.
 - The penalty is administered intentionally.
 - The penalty inflicts enough pain so the offender experiences the full extent of society's disapproval.

REF: p. 22

11. Which of the following theories or justifications for punishment is retrospective (looks back at the crime)?
- retribution
 - rehabilitation
 - general deterrence
 - incapacitation

REF: p. 22

12. The theory of punishment that includes the idea that it is right to hate criminals and they deserve to be punished proportionate to the harm they have done is the theory of
- incapacitation.
 - special deterrence.
 - retribution.
 - general deterrence.

REF: p. 23

13. Retributionists assume that
- people are not culpable for their crimes because they freely chose to commit them.
 - human behavior is shaped by forces not always within our control.
 - preventing crime is the most important goal of the criminal law.
 - justice is best served by sending convicted offenders to prison.

REF: p. 23-24

14. Who first formulated the theory that rational human beings won't commit crimes if they know that the pain of punishment outweighs the pleasure they hope to get from committing the crime?
- The authors of the Old Testament
 - George Bernard Shaw
 - Jeremy Bentham
 - Isaac Ehrlich

REF: p. 25

15. The assumption underlying rehabilitation theory is that
- criminal behavior is primarily a medical problem that can be cured with the correct drugs.
 - rehabilitation requires long-term incarceration and intense treatment.
 - forces beyond offenders' control cause them to commit crimes and experts using the correct therapy can reform criminals.
 - sometimes the cure for criminality involves large doses of pain.

REF: p. 27

16. Since the mid-1980s, the two rationales that have dominated penal policy are
- retribution and incapacitation.
 - deterrence and rehabilitation.
 - reformation and deterrence.
 - vengeance and rehabilitation.

REF: p. 29

17. According to the text, which of the following is not a property crime?
- a. fraud
 - b. arson
 - c. burglary
 - d. vagrancy

REF: p. 7

18. Criminal law is only *one* kind of
- a. social norm.
 - b. social control.
 - c. social event.
 - d. informal control.

REF: p. 8

19. What part of criminal law consists of principles that apply to more than one crime?
- a. general part of criminal law
 - b. generic part of criminal law
 - c. specific part of criminal law
 - d. special part of criminal law

REF: p. 12

20. What part of criminal law defines specific crimes and arranges them into groups according to subject matter?
- a. general part of criminal law
 - b. generic part of criminal law
 - c. specific part of criminal law
 - d. special part of criminal law

REF: p. 12

21. Where is most criminal law found?
- a. state criminal codes
 - b. federal criminal codes
 - c. city criminal codes
 - d. county criminal codes

REF: p. 13

22. Which of the following is the highest standard of proof known to the law?
- a. absolute certainty
 - b. preponderance of the evidence
 - c. probable cause
 - d. beyond a reasonable doubt

REF: p. 29

23. When professionals make judgments based on their training, their experience, and unwritten rules this is called
- discretionary decision making.
 - biased decision making.
 - affirmative decision making.
 - productive decision making.

REF: p. 31

24. Sentencing laws that make prison release dependent on rehabilitation are called
- dependent sentencing laws.
 - indeterminate sentencing laws.
 - determinate sentencing laws.
 - independent sentencing laws.

REF: p. 28

25. Even in states that have codified their criminal codes, the common-law is important today because
- most misdemeanors are still common-law crimes.
 - it helps explain previous court decisions.
 - it is used by judges to help them interpret current criminal statutes.
 - it is historically interesting.

REF: p. 14

26. Criminal law reformers called for the abolition of common-law crimes because they
- contended that law created by judges was not only disorderly and incomplete, it was antidemocratic.
 - believed that common-law crimes were unconstitutional.
 - did not trust judges to make good decisions.
 - thought law was too important to be known as common.

REF: p. 16

27. Crimes and torts are similar in which of the following ways?
- The standard of proof for both is beyond a reasonable doubt.
 - They both apply only to economic wrongs.
 - They both apply only to criminals.
 - They both tell us what we can and can't do.

REF: p. 8

28. Which of the following is not true of a felony crime?
- a felony is more serious than a misdemeanor
 - a felony is punishable by death or an imprisonment of more than one year
 - a felony is never punished by imprisonment
 - felony defendants have to be in court for their trials

REF: p. 11

29. Administrative crimes
- do not exist because agencies do not have the power to enact rules.
 - can only be enacted by federal agencies.
 - are no longer a significant source of criminal law.
 - are a rapidly growing source of law.

REF: p. 19

30. According to the text, which is the most common category of crimes?
- misdemeanor crimes
 - felony crimes
 - violent crimes
 - property crimes

REF: p. 6-7

31. The appellant is the party who
- is appealing to ensure their victory in the court below.
 - is appealing to overturn an unfavorable decision.
 - has had an appeal filed against them.
 - has not filed the charges against the appellee.

REF: p. 33

32. The legal rule the court has decided to apply to the facts of the cases is called the
- issue.
 - holding.
 - result.
 - reasoning.

REF: p. 34

33. If an appellate court affirms the decision of the court immediately below, this means that the lower court's decision is
- upheld.
 - overturned.
 - questioned.
 - not considered.

REF: p. 35

34. When an appellate court overturns the decision of a trial court and sends the case back for further proceedings in accord with its decision, the appeals court has
- reversed the trial court's decision.
 - affirmed the trial court decision.
 - reversed and remanded the trial court decision.
 - declined the trial court decision.

REF: p. 35

35. In the citation 319 N.W. 2d 459, the number 459 represents the
- volume number.
 - page where the opinion begins in a volume.
 - date the decision was handed down.
 - date the case was argued.

REF: p. 35

36. What is the standard used by courts of appeal to determine if a sentence is “inside, just outside, or significantly outside the Guidelines range?”
- the constitutional standard
 - the abuse-of-discretion standard
 - the upward departure standard
 - the downward departure standard

REF: p. 75

37. According to the principle of _____ there must be a specific law defining a crime and setting out the punishment before a person can be punished for that crime?
- legality
 - comity
 - proportionality
 - reciprocity

REF: p. 40

38. What is the name of a law that criminalizes an act that was innocent when it was committed?
- bill of attainder law
 - forfeiture law
 - ex post facto* law
 - bill of particulars

REF: p. 41

39. The _____ doctrine is concerned with giving individuals fair notice of what is criminal and preventing arbitrary or discriminatory enforcement of laws.
- proportionality
 - void-for-vagueness
 - obscenity
 - equal protection

REF: p. 42

40. Which amendments to the Constitution resulted in the void-for-vagueness doctrine?
- The Fourth and Fifth Amendments
 - The Fourth and Fourteenth Amendments
 - The Fifth and Fourteenth Amendments

d. The Fifth and Fifteenth Amendments

REF: p. 42

41. Which Amendment to the Constitution requires that states provide equal protection of the law?
- The Ninth Amendment
 - The Tenth Amendment
 - The Thirteenth Amendment
 - The Fourteenth Amendment

REF: p. 46

42. Because sentencing guidelines are now advisory, appellate review of sentencing decisions is limited to determining whether they are:
- arbitrary
 - confused
 - reasonable
 - collusive

REF: p. 75

43. Which Amendment to the Constitution contains the Equal Protection clause?
- The First Amendment
 - The Fourth Amendment
 - The Eighth Amendment
 - The Fourteenth Amendment

REF: p. 46

44. Equal protection does not require that
- racial classifications be subjected to strict scrutiny.
 - everyone, or even all criminals, be treated exactly alike.
 - punishments be proportional.
 - classifications regarding fundamental rights be subject to strict scrutiny.

REF: p. 46

45. The majority of minor crimes against public order and morals do not include
- mens rea*.
 - the voluntary requirement.
 - actus reus*.
 - a legal duty to obey.

REF: p. 82

46. Criminal conduct that qualifies for criminal punishment is the definition of
- result liability.
 - civil liability.
 - criminal liability.

d. conduct liability.

REF: p. 82

47. Those crimes requiring a criminal act triggered by criminal intent are
- result crimes.
 - conduct crimes.
 - intentional crimes.
 - felonies.

REF: p. 84

48. Criminal liability is defined as criminal conduct that qualifies for criminal:
- punishment
 - mens rea
 - conspiracy
 - murder

REF: p. 82

49. What failures to perform legal duties are punishable as criminal omissions?
- premeditated
 - planned
 - justified
 - unreasonable

REF: p. 97

50. The criminal law refers to a failure to act as
- an omission.
 - a commission.
 - a breach of contract.
 - a refusal.

REF: p. 91