

TEST BANK

CHAPTER 1

Legal Foundations

Chapter 1 Multiple Choice

1. Which term specifies what kinds of behavior are illegal, what punishments are available for dealing with offenders, and what defenses can be invoked by individuals?

- a. Criminal procedure
- b. Criminal law
- c. Criminal evidence
- d. None of the above

Answer: b

Objective: Explain the difference between substantive criminal law and criminal procedure.

Page number: 2

Level: Basic

2. Which term refers to a form of law that describes how suspected and accused criminals are to be handled and processed by the justice system?

- a. Criminal procedure
- b. Criminal law
- c. Criminal evidence
- d. None of the above

Answer: a

Objective: Explain the difference between substantive criminal law and criminal procedure.

Page number: 2

Level: Basic

3. According to the text, defining a crime as a felony or misdemeanor is important for all of the following reasons EXCEPT:

- a. Based upon the potential punishment
- b. Trial procedures differ for felonies and misdemeanors
- c. The judges will differ for felonies and misdemeanors
- d. The consequences of felonies and misdemeanors differ

Answer: c

Objective: Describe the various classifications of crimes.

Page number: 3-4

Level: Intermediate

4. Which type of crime is punishable by a fine or a period of incarceration for less than 12

months?

- a. Property crime
- b. Misdemeanor
- c. Violent crime
- d. Felony

Answer: b

Objective: Describe the various classifications of crimes.

Page number: 3

Level: Basic

5. Which of the following is the earliest known set of formal written codes?

- a. Code of Hammurabi
- b. Justinian Code
- c. Twelve Tables
- d. Napoleonic Code

Answer: a

Objective: Identify the sources of law.

Page number: 5

Level: Basic

6. The law developed in early England by judges who wrote down their decisions and circulated them to other judges is:

- a. Case law
- b. Special law
- c. Common law
- d. Constitutional law

Answer: c

Objective: Identify the sources of law.

Page number: 5

Level: Basic

7. This was passed by the United States Congress and contains federal laws, and violations of the provisions can lead to federal prosecution.

- a. Model Penal Code
- b. U.S. Constitution
- c. U.S. Code
- d. None of the above

Answer: c

Objective: Identify the sources of law.

Page number: 5

Level: Basic

8. Which Amendment gives us is the protection against cruel and unusual punishment?

- a. 6th Amendment
- b. 4th Amendment
- c. 5th Amendment
- d. 8th Amendment

Answer: d

Objective: Identify the sources of law.

Page number: 8

Level: Basic

9. Which Amendment says that no person shall be subject for the same offense to be twice put in jeopardy of life or limb?

- a. 6th Amendment
- b. 4th Amendment
- c. 5th Amendment
- d. 8th Amendment

Answer: c

Objective: Identify the sources of law.

Page number: 8

Level: Basic

10. According to the text, state constitutions can be more _____ than the U.S. Constitution.

- a. Restrictive
- b. In-depth
- c. Relaxed
- d. Accommodating

Answer: a

Objective: Identify the sources of law.

Page number: 8

Level: Basic

11. Our system of justice is known as an adversarial system for all of the following reasons EXCEPT:

- a. Because it pits two parties against each other in the pursuit of the truth
- b. Because of the founding fathers' concerns with oppressive governments
- c. Both a and b
- d. None of the above

Answer: c

Objective: Describe the adversarial system.

Page number: 10-11

Level: Intermediate

12. In a criminal trial, which is the evidentiary standard necessary for the prosecution to prove?

- a. Preponderance of the evidence
- b. Beyond a reasonable doubt
- c. Probable cause
- d. Reasonable suspicion

Answer: b

Objective: Describe the adversarial system.

Page number: 12

Level: Intermediate

13. Under this presumption, the jury can usually infer guilt if a person is caught “red-handed” with the fruits of the crime.

- a. Presumption of death
- b. Presumption of a guilty mind following possession of the fruits of the crime
- c. Presumption of sanity
- d. Presumption of the regularity of official acts

Answer: b

Objective: Describe the adversarial system.

Page number: 13

Level: Intermediate

14. Under this presumption, ignorance is not a defense to criminal liability.

- a. Presumption of death
- b. Presumption of the regularity of official acts
- c. Presumption of knowledge of the law
- d. Presumption of sanity

Answer: c

Objective: Describe the adversarial system.

Page number: 13

Level: Intermediate

15. Which term refers to evidence that proves a fact without the need for the juror to infer anything from it?

- a. Real evidence
- b. Direct evidence
- c. Circumstantial evidence
- d. Testimonial evidence

Answer: a

Objective: Identify courtroom participants.
Page number: 14
Level: Basic

16. Which term refers to someone one who is tasked with resolving any legal matter that comes before the court?

- a. Trier of law
- b. Lawyer
- c. Trier of Fact
- d. Judge

Answer: a
Objective: Identify courtroom participants.
Page number: 16
Level: Basic

17. Which term refers to someone who listens to the evidence and renders a decision?

- a. Trier of law
- b. Lawyer
- c. Trier of Fact
- d. None of the above

Answer: a
Objective: Identify courtroom participants.
Page number: 16
Level: Basic

18. Of the type of jury challenges, which type is unlimited by nature?

- a. Voir dire
- b. Peremptory challenge
- c. Challenge for cause
- d. Jury nullification

Answer: c
Objective: Identify courtroom participants.
Page number: 18
Level: Basic

19. Which of the following terms refers to the practice of ignoring or misapplying the law in a certain situation?

- a. Jury nullification
- b. Hung jury
- c. Allen charge
- d. Ex post facto law