

TEST BANK

CHAPTER ONE: DEFINING AND PROVING CRIMES

1. Criminal law possesses the following characteristics:
 - a. conviction carries with it the community's moral condemnation.
 - b. punishment of wrongdoing.
 - c. society as a whole is considered to be the injured party.
 - d. all of the above.

Answer: d

2. The primary objective of a criminal prosecution is:
 - a. punishment of the wrongdoer.
 - b. compensation of the victim for any financial loss.
 - c. promoting negotiation and settlement.
 - d. enforcing morals.

Answer: a

3. The United States has:
 - a. a uniform criminal code.
 - b. a common law that supersedes the statutes of individual jurisdictions.
 - c. a federal criminal code under which most charges are brought.
 - d. variations among jurisdictions in defining crimes and punishments.

Answer: d

4. The Model Penal Code was developed by:
 - a. the American Law Institute.
 - b. the U.S. Congress.
 - c. the American Association of Law Professors.
 - d. a conference of state legislatures.

Answer: a

5. The original source of our criminal laws was:
 - a. English common law.
 - b. Church law.
 - c. Roman law.
 - d. statutory law.

Answer: a

6. Judicial activism:
 - a. binds courts to stand by prior decisions.
 - b. requires courts to defer to legislative intent.
 - c. encourages courts to interpret law to achieve social goals.
 - d. is relevant only to constitutional interpretation.

Answer: c

7. Judicial restraint:
 - a. encourages the courts to enforce good public morals.
 - b. binds the courts to follow prior decisions and defer to legislative intent.
 - c. is relevant only to constitutional interpretation.
 - d. is mandated by the constitution.

Answer: b

8. In the 20th century:
- all states have abolished common law crimes.
 - many states have abolished common law crimes but have retained general principles of the common law.
 - the common law remains in effect in all jurisdictions.
 - common law crimes are relevant only as a part of our heritage.

Answer: b

9. Misdemeanors are:
- “violations,” not crimes.
 - minor crimes.
 - civil harms.
 - common law offenses.

Answer: b

10. A malum prohibitum crime is:
- punishable only by fines.
 - wrong by its very nature.
 - prohibited by administrative regulation.
 - a wrong created by statute or administrative regulation.

Answer: d

11. Criminal acts that are wrong by their very nature are referred to as:
- administrative crimes.
 - mala in se.
 - public crimes.
 - mala prohibita.

Answer: b

12. The primary difference between felonies and misdemeanors is:
- the person prosecuted.
 - the penalty imposed.
 - whether the victim is an individual or general society.
 - the court that tries the case.

Answer: b

13. The ex post facto principle prohibits:
- decreasing punishments for past crimes.
 - increasing punishments for future crimes.
 - laws that create new crimes not recognized by common law.
 - laws that punish conduct done before the law's passage.

Answer: d

14. The vagueness doctrine prohibits laws that:
- violate the ex post facto clause.
 - violate the constitution in any way.
 - violate the equal protection clause.
 - violate the constitutional requirement of due process.

Answer: d

15. The doctrine that requires criminal laws to be reasonably specific is known as the:
- ex post facto doctrine.
 - uniformity doctrine.
 - void-for-vagueness doctrine.
 - liberal construction doctrine.

Answer: c

16. Which of the following constitutional provisions limits the government's power to prohibit and punish certain conduct?
- The right to free speech
 - The right to due process
 - The right to privacy
 - All of the above

Answer: d

17. Rehabilitation, incapacitation, and deterrence are:
- mutually exclusive purposes of punishment.
 - essential components of all punishment.
 - accomplished only through incarceration.
 - sometimes conflicting, sometimes complementary purposes of punishment.

Answer: d

18. Deterrence theory is based upon the assumption that:
- criminals are beyond society's control.
 - rehabilitation requires incapacitation.
 - human beings govern their conduct by considering potential punishment.
 - rehabilitation is more humane than retribution.

Answer: c

19. Critics of deterrence theory maintain that:
- human beings govern their conduct by considering potential punishment.
 - a major purpose of criminal law is crime prevention.
 - much human behavior is emotional, not rational.
 - most criminal conduct is voluntary.

Answer: c

20. According to incapacitation theory, the purpose of criminal punishment is to:
- express community condemnation.
 - reform criminals into noncriminals.
 - eliminate an offender's capacity to commit crimes.
 - vindicate victims' rights.

Answer: c

21. *Robinson v. California* declared disproportionate punishments to be:
- cruel and unusual.
 - constitutional.
 - unconstitutionally vague.
 - inconsistent with rehabilitation.

Answer: a

22. In *Robinson v. California*, the defendant's conviction for being addicted to narcotics was overturned because:
- the state failed to prove that the defendant was addicted.
 - the defendant was a mere user, not a seller of narcotics.
 - punishment for a condition or status is cruel and unusual.
 - the defendant's addiction was not voluntary.

Answer: c

23. The prosecution's responsibility to prove all elements of a crime beyond a reasonable doubt is known as its:
- burden of production.
 - burden of proof.
 - burden to prove the corpus delicti.
 - presumption of guilt.

Answer: b

24. The burden of production in a criminal case requires:
- evidence beyond a reasonable doubt.
 - some evidence to support a claim.
 - evidence to rebut the presumption of innocence.
 - direct, not circumstantial, evidence.

Answer: b

25. The preponderance of evidence is:
- evidence that raises a reasonable doubt.
 - clear and convincing evidence.
 - evidence that makes a fact more likely than not.
 - a constitutional standard.

Answer: c

26. A presumption is:
- adequate for conviction.
 - the same thing as a permissive inference.
 - determined by the judge, not the jury.
 - a mandatory finding when certain predicate facts are established.

Answer: d

27. A permissive inference is:
- a possible but not mandatory conclusion to be drawn.
 - available only to the defense, not the prosecution.
 - unconstitutional in a criminal trial.
 - not a proper way to prove the corpus delicti.

Answer: a

28. Recognition that people normally intend the natural and necessary consequence of their acts is:
- a "true" and proper presumption.
 - a permissible inference.
 - unconstitutional.
 - part of a proper defense, but not part of the prosecution's case.

Answer: b

29. The prosecution may use inferences that are:
- rational, that is, the inferred fact logically follows from the evidence.
 - created by the legislature.
 - recognized by common law.
 - reflective of legislative policy.

Answer: a

30. Corpus delicti is:
- the body of a homicide victim.
 - established by direct but not circumstantial evidence.
 - the body of the crime, that is, the fact of its having been committed.
 - the identity of the criminal.

Answer: c

CHAPTER TWO: ESSENTIAL ELEMENTS OF CRIMES

1. Which of the following is not considered an act for purposes of criminal law?
- Omission
 - Thought
 - Speech
 - Attempt

Answer: b

2. Conduct during a sleepwalking episode is considered:
- a voluntary act.
 - a status or condition.
 - an involuntary act.
 - a strict liability act.

Answer: c

3. In order to be held criminally liable for a failure to act, the defendant:
- must have a moral duty to act.
 - must possess malice aforethought.
 - must be at least negligent.
 - must have a legal duty to act.

Answer: d

4. A common method of proving mens rea is by:
- a guilty plea.
 - inference from a person's actions.
 - an eyewitness.
 - a polygraph examination.

Answer: b

5. Mens rea includes:
- strict liability.
 - status or condition.
 - specific intent.
 - omission.

Answer: c

6. When the defendant intends to harm one victim but harms another, the law may punish for:
- general intent.
 - transferred intent.
 - specific intent.
 - constructive intent.

Answer: b

7. A subjective state of mind is:
- the defendant's actual state of mind.
 - what most people would intend under the circumstances.
 - what a reasonable person would intend under the circumstances.
 - the jury's opinion of what it would intend under the circumstances.

Answer: a

8. The reasonable person standard is part of the definition of:
- purpose.
 - knowledge.
 - recklessness.
 - specific intent.

Answer: c

9. A person who acts "knowingly" acts:
- intelligently.
 - consciously or with awareness.
 - with a specific intent to accomplish a criminal harm.
 - reasonably.

Answer: b

10. Wanton conduct is:
- harming knowingly.
 - consciously creating risks of harm.
 - creating risks of harm without knowing it.
 - acting in such a way as to cause harm.

Answer: b

11. Negligent wrongdoers:
- know that they are doing wrong.
 - know that they are creating risks.
 - do not consciously create risks of harm.
 - cannot be punished.

Answer: c

12. If an actor knows that harm may follow his or her voluntary action, the actor possesses:
- subjective fault.
 - excessive fault.
 - objective fault.
 - conclusive fault.

Answer: a

13. If the defendant should know that harm will likely follow his or her voluntary act, the defendant possesses:
- a. constructive fault.
 - b. subjective fault.
 - c. objective fault.
 - d. proximate fault.

Answer: c

14. In what type of crime may the prosecution ignore the defendant's state of mind?
- a. Misdemeanors
 - b. Administrative crimes
 - c. Status crimes
 - d. Strict liability crimes

Answer: d

15. Strict liability has been criticized on the grounds that:
- a. it imposes liability without blameworthiness.
 - b. it imprisons too many people.
 - c. it is contrary to sound social policy.
 - d. it does not punish offenders severely enough.

Answer: a

16. The "but-for" test is associated with:
- a. factual causation.
 - b. proximate causation.
 - c. legal causation.
 - d. constructive causation.

Answer: a

17. In order to impose criminal liability:
- a. factual and legal causation must exist.
 - b. factual but not legal causation must exist.
 - c. legal but not factual causation must exist.
 - d. neither factual nor legal causation need exist.

Answer: a

18. The most important factor(s) in grading offenses is:
- a. the mens rea and the harm done.
 - b. the legal duty to act.
 - c. the complexity of the crime.
 - d. the number of victims and the extent of loss.

Answer: a