

1.1 Multiple Choice

1) Which of the following is rarely a relevant constitutional amendment in criminal procedure?

- A) The Second Amendment
- B) The Fifth Amendment
- C) The Sixth Amendment
- D) The Fourteenth Amendment

Answer: A

Page Ref: 3

Objective: Summarize the Constitutional basis for criminal procedure.

Level: Basic

2) Which of the following are NOT sources of rights?

- A) Court decisions
- B) Police department policies
- C) Federal Constitution
- D) Statutes

Answer: B

Page Ref: 3

Objective: Summarize the Constitutional basis for criminal procedure.

Level: Basic

3) _____ contain(s) criminal procedure guidelines that federal criminal justice practitioners are required to abide by.

- A) State constitutions
- B) State statutes
- C) The Federal Rules of Criminal Procedure
- D) The federal Constitution

Answer: C

Page Ref: 3

Objective: Summarize the Constitutional basis for criminal procedure.

Level: Intermediate

4) The _____ 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

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Objective: Summarize the Constitutional basis for criminal procedure.

Level: Basic

5) The Fifth Amendment protects against:

A) Double jeopardy.

B) Self-incrimination.

C) Due process violations.

D) All of the above

Answer: D

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Objective: Summarize the Constitutional basis for criminal procedure.

Level: Basic

6) The _____ incorporation perspective favors incorporation of certain protections enumerated in the Bill of Rights, not all of them.

A) Total

B) Selective

C) Fundamental rights

D) Total incorporation plus

Answer: B

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Objective: Summarize the Constitutional basis for criminal procedure.

Level: Intermediate

7) Which of the following best characterizes the total incorporation perspective?

A) Certain protections listed in the Bill of Rights should be incorporated.

B) Not just the whole Bill of Rights, but other rights (e.g., privacy. should be incorporated.

C) Fundamental rights should be incorporated.

D) None of the above

Answer: D

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Objective: Summarize the Constitutional basis for criminal procedure.

Level: Difficult

8) Which incorporation perspective has arguably "won out" over the others?

- A) Selective incorporation
- B) Total incorporation
- C) Total incorporation plus
- D) None of the above

Answer: A

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Objective: Summarize the Constitutional basis for criminal procedure.

Level: Basic

9) The Fourth Amendment protects against:

- A) Self-incrimination.
- B) Due process violations.
- C) Unreasonable searches and seizures.
- D) Cruel and unusual punishments.

Answer: C

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Objective: Summarize the Constitutional basis for criminal procedure.

Level: Basic

10) The Sixth Amendment provides for:

- A) Freedom of speech.
- B) The right to remain silent.
- C) The assistance of counsel.
- D) The right to bear arms.

Answer: C

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Objective: Summarize the Constitutional basis for criminal procedure.

Level: Basic

11) *Stare decisis* is a Latin term that means:

- A) No past decision exists.
- B) Treat each case as unique.
- C) To disregard past decisions.
- D) To abide by or to adhere to decided cases.

Answer: D

Page Ref: 6

Objective: Explain the importance of precedent.

Level: Basic

12) When a previous decision does not apply to the current facts, a court will _____, saying, in effect, that this case is different and cannot be decided by looking to past rulings.

- A) Practice *stare decisis*
- B) Distinguish the present case
- C) Refer to precedent
- D) Decline to hear the case

Answer: B

Page Ref: 7

Objective: Explain the importance of precedent.

Level: Basic

13) Legal guilt is concerned with whether a person is guilty according to:

- A) A jury.
- B) A judge.
- C) The police.
- D) The law.

Answer: D

Page Ref: 8

Objective: Distinguish between the public order (crime control) and individual rights (due process) perspectives of criminal justice.

Level: Intermediate

14) Factual guilt is concerned with:

- A) Whether a person committed the crime with which he or she is charged.
- B) Whether a person is guilty according to the police.
- C) Whether a person is guilty according to the law.
- D) None of the above

Answer: A

Page Ref: 8

Objective: Distinguish between the public order (crime control) and individual rights (due process) perspectives of criminal justice.

Level: Intermediate

15) Which of the following is NOT a characteristic of the crime control perspective?

- A) Assembly line justice
- B) Quantity over quality
- C) Insistence on formality of due process rules
- D) Faith in the courts

Answer: D

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Objective: Distinguish between the public order (crime control) and individual rights (due process) perspectives of criminal justice.

Level: Intermediate

16) Courts of limited jurisdiction:

- A) Try all criminal cases.
- B) Hear appeals.
- C) Hear only traffic cases.
- D) Have jurisdiction over relatively minor offenses and infractions.

Answer: D

Page Ref: 10

Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.

Level: Basic

17) At the state level, trial courts are usually referred to as:

- A) Courts of limited jurisdiction.
- B) Courts of general jurisdiction.
- C) District courts.
- D) None of the above

Answer: B

Page Ref: 10

Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.

Level: Basic

18) At the federal level, trial courts are:

- A) U.S. Supreme Court.
- B) U.S. Courts of Appeals.
- C) U.S. District Courts.
- D) U.S. Magisterial Courts.

Answer: C

Page Ref: 10

Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.

Level: Basic

19) How many federal district courts are there in the United States?

- A) 66
- B) 74
- C) 89
- D) 94

Answer: D

Page Ref: 10

Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.

Level: Basic