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SKU: 9780134868264-TEST-BANK

Chapter 2 An Overview of the Justice System

TRUE/FALSE. Write 'T' if the statement is true and 'F' if the statement is false.

1) Under our system of justice, a person determined to be a perpetrator of crime loses all their rights. 1) _____

2) Not only does an offender have a right to an attorney, the courts have held that the attorney must be competent. 2) _____

3) Prisons are used for pretrial detention, holding after sentencing, and for incarceration of those persons who are not being sentenced to prison. 3) _____

4) A "nolo contendere" is like a guilty plea and carries the same criminal sanctions as a guilty plea. 4) _____

5) The plea of "nolo contendere" can be used in any subsequent civil action to establish liability against the defendant. 5) _____

6) Probation allows the perpetrator to remain out of confinement so long as he or she meets certain conditions. 6) _____

7) A peremptory challenge may only be used by the defense to excuse a prospective juror without stating the reason for the dismissal. 7) _____

8) Adjudication is the ability of the court to enforce laws and punish individuals who violate those laws. 8) _____

9) Parole is the conditional release of an inmate, from a prison or other form of correctional institution back into the community. 9) _____

10) Retribution involves the concept that criminal sanctions, such as imprisonment to deter the public and convince them that they should not commit crimes. 10) _____

11) During the trial, the prosecutor has the right to make the first opening statement. 11) _____

12) The prosecution has the right to speak last, in summation during closing arguments, at a trial. 12) _____

13) The prosecutor has the responsibility of developing and reading to the jury their instructions before the deliberations. 13) _____

14) If the perpetrator is indigent in a felony case, the judge will appoint an attorney to represent him at the government's expense. 14) _____

15) The U.S. Constitution contains no provision guaranteeing the right to a jury trial; this is merely a practice of the courts. 15) _____

16) The process of questioning a single witness can take days during a criminal trial. 16) _____

17) U.S. Supreme Court decisions require the suspect to testify if called on by the prosecution. 17) _____

18) The defense attorney is not required to call any witnesses as part of the defense process. 18) _____

19) Usually, the judge sentences a convicted person immediately after the announcement of the jury's

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decision to convict. 19) ___ ___

20) Closing arguments are not evidence, they are arguments of persuasion. 20) _____

21) A large corporation, such as Wal-Mart, may only be sued in a civil action in a court within the corporate headquarters state. 21) _____

22) The first step in filing a civil action is to seek permission to seek damages through the office of the prosecutor. 22) _____

23) A civil action may seek an injunction. 23) _____

24) A motion for summary judgment may be granted by the prosecutor, effectively ending the case. 24) _____

25) It is commonly accepted that the most important motion in a civil case is one for summary judgment. 25) _____

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

26) Civil law includes a wide variety of subjects including _____, which are injuries that do not involve contracts. 26) _____
A) family B) torts C) property D) civil rights

27) The concept of _____, a constitutional mandate that requires fairness in judicial proceedings, applies to both criminal and civil actions. 27) _____
A) answer B) complaint C) deposition D) due process

28) The geographic districts in which a case can be heard and which is closely associated with jurisdiction. 28) _____
A) tort B) demurrer
C) personal jurisdiction D) venue

29) The constitutional mandate of _____ may prevent a person from being able to file a civil action against a corporation in a jurisdiction, unless the defendant company has some sort of minimum contacts in that state. 29) _____
A) due process B) in personam jurisdiction
C) demurrer D) complaint

30) The role of _____ is assigned in our criminal justice system to the trial judge. 30) _____
A) interpreting the Constitution B) determining justice
C) committing executions D) apprehending the perpetrator

31) The role of _____ is assigned in our criminal justice system to the U.S. Supreme Court. 31) _____
A) committing executions B) apprehending the perpetrator
C) determining justice D) interpreting the U.S. Constitution

32) Courts that only hear and decide certain limited legal issues are referred to as 32) _____
A) courts of general jurisdiction. B) courts of last resort.
C) courts of limited jurisdiction. D) trial courts.

33) During _____ the suspect's name, offense, and other information is entered into the police records.

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33) _____
A) parole B) citation C) arrest D) booking

34) The process of _____ refers to taking a suspect into custody in a manner prescribed by law. 34) _____
A) parole B) citation C) arrest D) booking

35) The conditional release of an inmate from a prison or other form of correctional institution back into the community is referred to as 35) _____
A) parole. B) citation. C) arrest. D) booking.

36) The concept of _____ is that justice is administered according to fairness, as contrasted with the strict rules of law. 36) _____
A) probation B) adjudication C) equity D) jurisdiction

37) Justice under the concept of _____ focuses on reducing the offender's criminal propensities by counseling, therapy, and vocational training while he or she is incarcerated. 37) _____
A) deterrence B) rehabilitation C) incapacitation D) retribution

SHORT ANSWER. Write the word or phrase that best completes each statement or answers the question.

38) The closing argument is the final opportunity for the attorneys to address the _____. 38) _____

39) Once the defense has finished presenting its evidence, the prosecution can present _____ evidence. 39) _____

40) Once both sides have rested, the judge reads the _____ to the jury. 40) _____

41) _____ are formal, out-of-court procedures in which one party questions others regarding the facts surrounding the case. 41) _____

42) The most important _____ is called a summary judgment. 42) _____

43) _____ are written inquiries to the other side asking specific questions. 43) _____

44) Once the petition is filed, many jurisdictions hold a show cause or _____ hearing. 44) _____

45) An _____ or jurisdictional hearing is used to determine if there is sufficient evidence to determine that the allegations in the petition are true. 45) _____

46) Most state courts are now divided into _____ levels. 46) _____

47) _____ courts are courts where civil and criminal cases start and finish. 47) _____

MATCHING. Choose the item in column 2 that best matches each item in column 1.

Match the term that is associated with the statement.

48) The court systems in the United States are based on this principle. 48) _____

A) prosecuting attorney

B) Supreme Courts

49) The courts that normally hear all major civil or criminal cases. 49) _____

C) Chancery courts

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50) The concept that justice is administered according to fairness, as contrasted with the strict rules of law.

D) federalism

E) 6th Amendment to U.S. Constitution

50) _____

51) The ability of the court to enforce laws and punish individuals who violate those laws.

F) Jurisdiction

51) _____

G) citation

52) Equity courts in early English common law

H) courts of general jurisdiction

52) _____

I) retribution

53) The highest state appellate courts

53) _____

J) equity

54) The representation of the people in a criminal trial.

54) _____

55) Right to be represented by counsel.

55) _____

56) An order to appear before a judge.

56) _____

57) Based on the biblical theme of "an eye for an eye"

57) _____

ESSAY. Write your answer in the space provided or on a separate sheet of paper.

58) Explain the deterrence theory.

59) Explain the concept upon which the rehabilitation theory is based.

60) Explain the concept behind restorative justice.

61) How did the concept of victim-offender mediation develop?

62) Explain the functions of a dispositional hearing in juvenile cases.

63) Should juvenile dependency procedures be aligned with civil court procedures?

64) What steps can be taken to make civil trials more efficient?

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1) FALSE
2) TRUE
3) FALSE
4) TRUE
5) FALSE
6) TRUE
7) FALSE
8) FALSE
9) TRUE
10) FALSE
11) TRUE
12) TRUE
13) FALSE
14) TRUE
15) FALSE
16) TRUE
17) FALSE
18) TRUE
19) FALSE
20) TRUE
21) FALSE
22) FALSE
23) TRUE
24) FALSE
25) TRUE
26) B
27) D
28) D
29) A
30) B
31) D
32) C
33) D
34) C
35) A
36) C
37) B
38) jury
39) rebuttal
40) instructions
41) Depositions
42) motion
43) Interrogatories
44) detention
45) adjudicatory
46) three
47) Trial
48) A
49) B
50) C
51) E

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52) C
53) B
54) A
55) D
56) F
57) G
58) Deterrence involves the concept that criminal sanctions, such as imprisonment, deter the public and convince them that they should not commit crimes.
59) Retribution is based on the biblical theme of "an eye for an eye, a tooth for a tooth." K. G. Armstrong has argued that retribution is not based on vengeance but rather is the lawful act of the state to protect its members from further injury. Another theory regarding retribution involves the concept of "just desserts."
60) Restorative justice promotes maximum involvement of the victim, the offender, and the community in the justice process and presents a clear alternative to sanctions based on retribution and punishment. Restorative justice is based on three principles: (1) All parties (offender, victim, and the community) should be included in the response to crime; (2) government and local communities' actions should complement each other; and (3) accountability is based on the offender's understanding of the harm that has been inflicted.
61) Victim—offender mediation (VOM) has its roots in the Victim—Offender Reconciliation Program (VORP) started in Canada in the mid-1970s. The purposes of the original VORP project were to provide an alternative method of dealing with crime, to allow the victim and offender to mutually agree on restitution, to use third parties to facilitate reconciliation, and to resolve the conflict caused by crime.
62) This hearing is to determine where the child should be placed. The court will decide whether the child should be immediately returned to the parents or placed in an out-of-home environment for a specific time. The guiding principle in this hearing is "the best interests of the child."
63) There is no set answer it depends on many factors. Must consider the original purposes of the procedures used in each type of proceedings and would moving a civil process action or rule help fulfill the purpose of the dependency procedures. Also, should discuss whether separate proceedings are efficient.
64) Should discuss the purpose of civil courts and how to protect the rights of all parties. Should also discuss the time-consuming aspects of a civil proceedings and what steps may be taken to reduce them or shorten the time aspect.

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