Procedures in the Justice System 12th edition Roberson Test Bank

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Testbank

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1.1 Multiple-Choice Questions

1) Which of the below is an orientation goal of the justice system?
A) Protection of individual rights
B) Fairness
C) Efficiency
D) Preventing crime
Answer: A
Page Ref: 4
Objective: Summarize the Constitutional basis for criminal procedure.
Level: Basic

2) Which of the following is a pragmatic goal of the justice system?
A) Protection of individual rights
B) Fairness
C) Efficiency
D) Preventing crime
Answer: D
Page Ref: 4
Objective: Summarize the Constitutional basis for criminal procedure.
Level: Basic

3) Our system of justice is based on the _____ process.
A) adversarial
B) innocence
C) guilt
D) group
Answer: A
Page Ref: 7
Objective: Summarize the Constitutional basis for criminal procedure.
Level: Basic

4) The primary state regulatory statute is the _____ that regulates procedure in state courts.
A) state administrative code
B) state penal code
C) state code of criminal procedure
D) model penal code
Answer: C
Page Ref: 3
Objective: Summarize the Constitutional basis for criminal procedure.
Level: Basic

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5) Much of the basic criminal law of this country originated from the common law of:
A) Rome.
B) England.
C) France.
D) Germany.
Answer: B
Page Ref: 7
Objective: Summarize the Constitutional basis for criminal procedure.
Level: Basic

6) Today, the criminal law of the states on a written set of regulations that is largely the result of:
A) common law.
B) judicial decisions.
C) legislative action.
D) history.
Answer: C
Page Ref: 8
Objective: Summarize the Constitutional basis for criminal procedure.
Level: Basic

7) The least serious category of crime is:
A) treason.
B) a felony.
C) an infraction.
D) a misdemeanor.
Answer: C
Page Ref: 9
Objective: Describe the classifications of crimes and punishments.
Level: Basic

8) The Court rules regulate the _____ of the courts in the areas not regulated by other rules.
A) opinion
B) fact finding process
C) judgment process
D) guilt-determining process
Answer: D
Page Ref: 3
Objective: Describe the concept of judicial guidance.
Level: Basic

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9) Because of the danger of conviction in a trial by jury, an accused would frequently revert to:
A) trial by judge.
B) trial by justice.
C) trial by ordeal.
D) trial by combat.
Answer: C
Page Ref: 11
Objective: Summarize the history and legal foundations of criminal procedure.
Level: Basic

10) Venue is:
A) the geographical area in which a case is heard.
B) the court which will hear the appeal.
C) the court that had jurisdiction to decline the case.
D) a term used to indicate the desire for a trial by jury.
Answer: A
Page Ref: 26
Objective: Explain why venue is an important factor in criminal prosecutions.
Level: Basic

11) _____ is the inherent power of a court to hear and decide a case.
A) Amicus curiae
B) Venue
C) Jurisdiction
D) Cause of action
Answer: C
Page Ref: 27
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.
Level: Basic

12) This position is, in most cases, the public prosecutor.
A) District attorney
B) Public defender
C) Administrative officer
D) Administrative attorney
Answer: A
Page Ref: 31
Objective: Describe criminal law administration processes.
Level: Basic

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13) The chief law officer of most states is the:
A) district attorney.
B) state's attorney.
C) attorney general.
D) adjutant general.
Answer: C
Page Ref: 31
Objective: Describe criminal law administration processes.
Level: Basic

14) It is the _____ duty to see that all laws of the state are uniformly and adequately enforced.
A) district attorney
B) state's attorney
C) attorney general
D) adjutant general
Answer: C
Page Ref: 31
Objective: Describe criminal law administration processes.
Level: Basic

15) When directed by the _____, the attorney general shall assist any district attorney in the discharge of the duties of the district attorney.
A) governor
B) state legislature
C) select committee on criminal law
D) code of criminal procedure
Answer: A
Page Ref: 30
Objective: Describe criminal law administration processes.
Level: Basic

16) The _____ in most states may prosecute any violations of the state law which a superior or district court has jurisdiction when he or she is of the opinion that the law is not being adequately enforced in any county.
A) state attorney general
B) county attorney
C) federal prosecutor
D) city attorney
Answer: A
Page Ref: 31
Objective: Describe criminal law administration processes.
Level: Basic

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17) In states that have both district attorneys and county attorneys, the county attorneys are responsible for:
A) assisting the district attorney.
B) conducting grand jury hearings.
C) conducting preliminary hearings.
D) prosecuting misdemeanors.
Answer: D
Page Ref: 32
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.
Level: Basic

18) To what is the federal trial court referred?
A) Court of last resort
B) Supreme Court
C) Superior Court
D) District Court
Answer: D
Page Ref: 25
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.
Level: Basic

19) In many cases, the only contact the average citizen will have with the judicial system occurs at this level.
A) Court of last resort
B) Supreme Court
C) Appellate Court
D) District Court
Answer: D
Page Ref: 21
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.
Level: Basic

20) Courts of limited jurisdiction may hear certain types of specialized matters such as:
A) probate of wills and estates.
B) divorces.
C) child custody matters.
D) All of these are correct.
Answer: D
Page Ref: 22
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.
Level: Basic

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21) Understanding our concept of justice requires a thoughtful comprehension of _____ which gives direction to our justice system.
A) historical background
B) social values
C) moral standards
D) political realities
E) All of the above
Answer: E
Page Ref: 3
Objective: Summarize the constitutional basis for criminal procedure.
Level: Basic

22) The major issue facing our state and federal court systems is the ever-increasing
A) prison pipeline population.
B) crime rates.
C) caseloads.
D) unappointed judges.
Answer: C
Page Ref: 3
Objective: Summarize the constitutional basis for criminal procedure.
Level: Basic

1.2 True/False Questions

1) Our justice system should be viewed as a set of rules and is fixed in stone.
Answer: FALSE
Page Ref: 2
Objective: List the goals of the justice system. Explain that the criminal law of the various states is a written set of regulations that is largely the result of legislative action.
Level: Basic

2) Court rules consist of the various standard procedures used by the courts.
Answer: TRUE
Page Ref: 3
Objective: List the goals of the justice system. Explain that the criminal law of the various states is a written set of regulations that is largely the result of legislative action.
Level: Basic

3) Judicial opinions do not construe the constitutionality of state statutes.
Answer: FALSE
Page Ref: 3
Objective: List the goals of the justice system. Explain that the criminal law of the various states is a written set of regulations that is largely the result of legislative action.
Level: Basic

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4) Originally, the common law was nothing more than a set of unwritten regulations and customs that acted as guidelines in settling disputes, determining the inheritance of property, and dealing with persons who committed misdeeds of a serious antisocial nature.
Answer: TRUE
Page Ref: 7
Objective: Summarize the Constitutional basis for criminal procedure.
Level: Basic

5) Judicial opinions construe the constitutionality, meaning, and effect of constitutional and statutory provisions.
Answer: TRUE
Page Ref: 3
Objective: Describe the concept of judicial guidance.
Level: Basic

6) Most experts on the justice system agree that the most basic goal of the justice system is to protect society from crime.
Answer: TRUE
Page Ref: 4
Objective: List the goals of the justice system. Explain that the criminal law of the various states is a written set of regulations that is largely the result of legislative action.
Level: Intermediate

7) Organizations such as the American Bar Association and the American Correctional Association have developed detailed goals to improve the justice system called standards.
Answer: TRUE
Page Ref: 33
Objective: List the goals of the justice system. Explain that the criminal law of the various states is a written set of regulations that is largely the result of legislative action.
Level: Intermediate

8) The individual rights orientation goal stresses the need to solve the crime problem.
Answer: FALSE
Page Ref: 4
Objective: Describe what constitutes justice. Explain the concept of "rule of law."
Level: Intermediate

9) A state jail felony is a crime that has some aspects of a felony and some of a misdemeanor.
Answer: TRUE
Page Ref: 9
Objective: Describe the classifications of crimes and punishments.
Level: Basic

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10) A charging document is referred to as an accusatory pleading.
Answer: TRUE
Page Ref: 9
Objective: Describe the classifications of crimes and punishments.
Level: Basic

11) Guilt or innocence historically has always been decided by a jury trial.
Answer: FALSE
Page Ref: 10
Objective: Describe the classifications of crimes and punishments.
Level: Basic

12) The reason why a jury of twelve evolved is lost in the annals of history, but it is believed to have been based on the 12 nations of the Middle Ages.
Answer: FALSE
Page Ref: 11
Objective: Summarize the history and legal foundations of criminal procedure.
Level: Basic

13) The Magna Carta did ensure the people certain liberties, which they had been denied previously.
Answer: FALSE
Page Ref: 12
Objective: Describe the impact of the Bill of Rights on criminal procedure.
Level: Intermediate

14) Trial by compurgation was used to replace trial by ordeal.
Answer: FALSE
Page Ref: 11
Objective: Summarize the history and legal foundations of criminal procedure.
Level: Basic

15) The Declaration of Independence became the basis of the guarantees later to be embodied in our Constitution.
Answer: TRUE
Page Ref: 12
Objective: Describe the impact of the Bill of Rights on criminal procedure.
Level: Intermediate

16) A dual system of state and federal court systems exists today.
Answer: TRUE
Page Ref: 18
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.
Level: Basic

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17) In misdemeanor prosecutions, the accusatory pleading is generally called a complaint.
Answer: TRUE
Page Ref: 9
Objective: Describe the classifications of crimes and punishments.
Level: Intermediate

18) The First 12 Amendments to the U.S. Constitution are called the Bill of Rights.
Answer: FALSE
Page Ref: 13
Objective: Describe the impact of the Bill of Rights on criminal procedure.
Level: Basic

19) The 14th Amendment to the U.S. Constitution was directed to the states to prevent them from depriving any person of life, liberty, or property without due process of law.
Answer: TRUE
Page Ref: 16
Objective: Describe what constitutes justice. Explain the concept of "rule of law."
Level: Basic

20) The attorney general in most states may prosecute any violations of law of which a superior or district court has jurisdiction when he or she is of the opinion that the law is not being adequately enforced in any county.
Answer: TRUE
Page Ref: 31
Objective: Describe criminal law administration processes.
Level: Basic

1.3 Fill in the Blank Questions

1) A(n) _____ is the preliminary examination of a potential juror to determine qualifications to serve as a juror; preliminary examination of a witness to determine his or her competency to speak the truth.
Answer: Voir dire
Page Ref: 35
Objective: Summarize the Constitutional basis for criminal procedure.
Level: Basic

2) A(n) _____ is the taking of any person or thing or the obtaining of information by an officer pursuant to a search or under other color of authority.
Answer: seizure
Page Ref: 35
Objective: Explain the concept of "rule of law."
Level: Basic

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3) A(n) _____ is a formal written order issued by a court commanding an individual or party identified in the order to do, or abstain from doing, some specified act.
Answer: writ
Page Ref: 35
Objective: Explain the concept of "rule of law."
Level: Basic

4) A(n) _____ is an order issued by a judicial officer or, pursuant to the authorization of a judicial officer, by the clerk of a court, requiring a person against whom a criminal charge has been filed to appear in a designated court at a specified date and time.
Answer: summons
Page Ref: 35
Objective: Explain the concept of "rule of law."
Level: Basic

5) _____ or defects affecting substantial rights may be noticed, although they were not brought to the attention of the court.
Answer: Plain errors
Page Ref: 34
Objective: Describe the concept of judicial guidance.
Level: Basic

6) A(n) _____ is an order in response to a habeas corpus petition directing the respondent (warden) to file a return.
Answer: order to show cause
Page Ref: 34
Objective: Describe the concept of judicial guidance.
Level: Basic

7) A constructive contempt is any _____ or civil contempt other than direct contempt.
Answer: criminal
Page Ref: 33
Objective: Describe the concept of judicial guidance.
Level: Basic

8) Aggravation or _____ in aggravation are facts that tend to justify the imposition of the more severe punishment.
Answer: circumstances
Page Ref: 33
Objective: Explain the concept of "rule of law."
Level: Basic

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9) Any person vested by law with a duty to maintain public order or to make arrests for offenses is called a(n) _____.
Answer: law enforcement officer
Page Ref: 34
Objective: Summarize the history and legal foundations of criminal procedure.
Level: Basic

10) The chief law officer of most states is the _____.
Answer: Attorney General
Page Ref: 31
Objective: Summarize the history and legal foundations of criminal procedure.
Level: Basic

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1.4 Matching Questions

Match each term listed in Column 1 to its definition in Column 2.

A) Includes magistrates, district judges, superior court judges, and any other judicial officer authorized by law to conduct a preliminary examination of a person accused of a crime or issue a warrant.
B) A statement, other than one made by the declarant (person who makes the statement) while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.
C) A space, necessary and convenient and habitually used for family purposes and the carrying on of domestic employments. It includes the garden, if there is one, and it need not be separated from other lands by a fence.
D) Willful, continuing failure or refusal of any person to comply with a court's lawful writ, subpoena, process, order, rule, or command that by its nature is still capable of being complied with.
E) In criminal proceedings, the decision of the jury in a jury trial or of a judge in a nonjury trial.
F) A written statement charging the defendant or defendants named therein with the commission of an indictable offense, made on oath, signed, and presented to the court by the district attorney without action by a grand jury.
G) A hearing held by the trial court to resolve contested factual issues.
H) Any error, defect, irregularity, or variance that does not affect substantial rights shall be disregarded.
I) A written statement made upon oath before a judge, magistrate, or official authorized by law to issue warrants of arrest, setting forth essential facts constituting an offense and alleging that the defendant committed the offense.
J) A person who is financially unable to pay for his or her defense.

1) Civil contempt.

2) Complaint.

3) Curtilage of a dwelling-house.

4) Magistrate.

5) Evidentiary hearing.

6) Harmless error.

7) Hearsay.

8) Indigent.

9) Information.

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10) Verdict.

Answers: 1) D 2) I 3) C 4) A 5) G 6) H 7) B 8) J 9) F 10) E

1.5 Essay Questions

1) What is common law and why is it important?
Answer: England's common law was only a set of unwritten regulations. Common law emanated from various court decisions. Today, legislative enactments have greatly expanded the common law.
Page Ref: 7-8
Objective: Explain the importance of precedent.
Level: Basic

2) Explain the difficulties which constitutes justice.
Answer: The concept of "justice" is commonly used but seldom defined. There are no bright line rules as to what constitutes "justice. " It is a subjective concept and has different meanings in different situations. We rely on our court systems to make decisions that implement our concept of justice. Whether justice is served in a case depends upon the facts of the case, the law involved in the case. It is a concept that relates to our ideas about morality or what is right and what is wrong. It is via our laws that we most often reflect our concept of justice.
Page Ref: 5-8
Objective: Describe what constitutes justice. Explain the concept of "rule of law."
Level: Basic

3) What portions of the Bill of Rights are of particular significance to the administration of justice?
Answer: Fourth, Fifth, Sixth, and Eighth Amendments are most significant in the administration of justice.
Page Ref: 12
Objective: Describe the impact of the Bill of Rights on criminal procedure.
Level: Intermediate

4) Describe characteristics of the American court system.
Answer: The first characteristic is that the court system in the United States is a dual system with both federal and state courts. The second characteristic is that it performs its duties with little or no supervision. The third feature of our court system is the specialization that occurs primarily at the state and local levels. A fourth characteristic of our court system is that generally the courts perform either trial or appellate functions. The fifth characteristic of the American court system is the organization of state and federal courts into geographic areas.
Page Ref: 17-19
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.

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Level: Intermediate

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5) What are the typical goals of a state attorney general's office?
Answer: They are to seek to control and eliminate organized crime in the State, to publish and distribute a compilation of the state laws relating to crimes and criminal law enforcement that are of general interest to peace officers, to operate the state's teletype and law enforcement telecommunications systems, and to promote training and professionalism of peace officers.
Page Ref: 31
Objective: Describe criminal law administration processes.
Level: Basic

6) What is the primary duty of a prosecutor?
Answer: In a criminal prosecution, it is not that the prosecutor shall win a case, but that justice shall be done. As such, he/she (the prosecutor) is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffers.
Page Ref: 32
Objective: Describe criminal law administration processes.
Level: Intermediate

7) How did the concept of trial by jury develop?
Answer: In England, 12 men were named to an "accusatory jury"; they would act as an advisory body to the King. The English model was the forerunner of our modern grand jury. Over time, the jury's actions expanded to determine an accused's guilt or innocence.
Page Ref: 10-11
Objective: Explain the importance of precedent.
Level: Intermediate

8) What is meant by the Bill of Rights?
Answer: That refers to the first 10 Amendments to the Constitution. Excessive taxation of the colonies by England and other forms of oppression led the Founding Fathers to draft bills of rights for the citizen.
Page Ref: 12-17
Objective: Describe the impact of the Bill of Rights on criminal procedure.
Level: Basic

9) What is the major difference between the trial courts and the appellate courts?
Answer: Trial courts conduct trials and appellate courts entertain appeals. An appellate court can grant a new trial, but cannot conduct it itself. Once a valid judgment is entered by the trial court, and it is appealed, the trial court is divested of the power to make further findings of fact.
Page Ref: 18-19
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.
Level: Intermediate

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10) Explain the difference between venue and jurisdiction.
Answer: Venue refers to the geographic area in which a case may be heard. Jurisdiction refers to the power of a court to hear certain types of cases.
Page Ref: 26-27
Objective: Outline the structure of the court system, including the responsibilities and jurisdictions of each level.
Level: Intermediate

11) What is a legal citation and why is that necessary for our understanding?
Answer: The citation is the reference for an appellate opinion in a published book. For example, 384 U.S. 436 is the citation for Miranda v. Arizona, decided by the U.S. Supreme Court in 1966. That means that the opinion is found in volume 384 of the U.S. Reports, beginning on page 436. Citations are very important because they refer judges and attorneys to prior appellate opinions which serve as a guideline for current trial court rulings and additional appellate rulings. Stare decisis is a Latin term which means that a court is required to follow a certain line of thinking, or precedent, if the facts in the present case are exactly the same.

Page Ref: 30
Objective: Explain the importance of precedent.
Level: Basic

1.6 Critical Thinking Questions

1) What constitutes justice?
Answer: It is a concept that relates to our ideas about morality or what is right and what is wrong. Most individuals associate the concept with our concepts of fairness, equality, and goodness.
Page Ref: 8
Objective: Describe what constitutes justice. Explain the concept of "rule of law."
Level: Intermediate

2) Why is there a controversy over sobriety checkpoints?
Answer: The U.S. Supreme Court has ruled that these sobriety checkpoints are legal. This is one area where some state courts have disagreed with the U.S. Supreme Court and have concluded that the checkpoints were a violation of individual rights.
Page Ref: 19
Objective: Describe what constitutes justice. Explain the concept of "rule of law."
Level: Intermediate

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