Courts and Criminal Justice in America 4th edition Siegel Test Bank

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Courts and the Criminal Justice System in America, 4e **(Siegel)**
Chapter 1 Legal Foundations

1.1 Multiple Choice Questions

1) Which of the following refers to a unit of the judicial branch of government that has the authority to decide upon cases, controversies in law, and disputed matters of fact brought before it?
A) Congress
B) Tribunal
C) Court
D) Senate
Answer: C
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

2) In which branch of government are courts generally found?
A) Judicial
B) Executive
C) Legislative
D) Administrative
Answer: A
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

3) What is the process by which a court arrives at a decision regarding a case?
A) Common law
B) Precedent
C) Adjudication
D) Oversight
Answer: C
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

4) Which system blurs the lines between federal and state power?
A) Law of succession
B) Incorporation
C) Tort law
D) Cooperative federalism
Answer: D
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Intermediate

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5) In the United States, the _____ system separates federal and state courts.
A) double-ended
B) dual court
C) federalist state
D) pluralist court
Answer: B
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

6) Keeping government in check to ensure rights and liberties falls into which function of the court system?
A) Upholding the law
B) Protecting individuals
C) Resolving disputes
D) Reinforcing social norms
Answer: B
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

7) The earliest known example of a formal written legal code was the:
A) Declaration of Independence
B) Code of Hammurabi
C) Twelve Tables
D) U.S. Constitution
Answer: B
Objective: Outline the history and development of law and the courts.
Level: Basic

8) Which of the following generally refers to formal rules, principles, and guidelines enforced by political authority?
A) Norm
B) Precedent
C) Code
D) Law
Answer: D
Objective: Outline the history and development of law and the courts.
Level: Basic

9) In England, laws that were decided by judges and circulated to other judges became known as:
A) Special law
B) *Stare decisis*
C) Statutory law
D) Common law
Answer: D
Objective: Outline the history and development of law and the courts.
Level: Basic

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10) Which refers to a prior action that guides current action?
A) Precedent
B) *Stare decisis*
C) Recidivism
D) Legal code
Answer: A
Objective: Outline the history and development of law and the courts.
Level: Intermediate

11) The formal practice of adhering to precedent is:
A) Legal code
B) Social control
C) *Stare decisis*
D) Federalism
Answer: C
Objective: Outline the history and development of law and the courts.
Level: Intermediate

12) Which of the following spells out the rules and regulations adopted by federal agencies and departments?
A) The Twelve Tables
B) The Code of Federal Regulations
C) Cooperative federalism
D) The dual court system
Answer: B
Objective: Outline the history and development of law and the courts.
Level: Intermediate

13) _____ refers to rules promulgated by government agencies that have been given their authority by the executive or legislative branch.
A) Administrative regulation
B) Social norms
C) Precedent
D) *Stare decisis*
Answer: A
Objective: Outline the history and development of law and the courts.
Level: Intermediate

14) The first ten amendments are found in the:
A) Preamble
B) Bill of Rights
C) Code of Federal Regulations
D) Declaration of Independence
Answer: B
Objective: Outline the history and development of law and the courts.
Level: Intermediate

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15) A fact assumed to be true under the law is a(n):
A) Incorporation
B) Precedent
C) Presumption
D) Social norm
Answer: C
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

16) Through the process of _____, the Supreme Court used the due process clause of the Fourteenth Amendment to make some protections in the Bill of Rights binding on the states.
A) incorporation
B) precedent
C) presumption
D) adversarialism
Answer: A
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

17) The right of people to be free from unreasonable searches and seizures is guaranteed by the _____ Amendment.
A) Second
B) Fourth
C) Tenth
D) Eighth
Answer: B
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

18) Which of the following is a right guaranteed by the Sixth Amendment?
A) The right to bear arms
B) The right to due process
C) The right to a speedy and public trial
D) The protection from cruel and unusual punishment
Answer: C
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

19) _____ due process is concerned with protecting people's life, liberty, and property rights.
A) Procedural
B) Preventative
C) Secondary
D) Substantive
Answer: D
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

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20) Which describes a justice system that pits two parties against each other in pursuit of the truth?
A) Adversarial
B) Cooperative
C) Provisional
D) Mandatory
Answer: A
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

21) Which of the following area of law focuses on civil wrongs recognized by law to be grounds for a lawsuit?
A) Contract law
B) Tort law
C) Law of succession
D) Property law
Answer: B
Objective: Explain the nature of disputes.
Level: Basic

22) In a civil case, which type of remedy requires one party to perform certain acts?
A) Monetary damages
B) Judicial discretion
C) *Habeas corpus*
D) Injunctive relief
Answer: D
Objective: Explain the nature of disputes.
Level: Intermediate

23) Which of the following requires a party to be held liable regardless of culpability?
A) Negligence liability
B) Tort liability
C) Strict liability
D) Law of succession
Answer: C
Objective: Explain the nature of disputes.
Level: Intermediate

24) A _____ is an action that violates a statute duly enacted by the proper public authority.
A) crime
B) precedent
C) civil action
D) forfeiture
Answer: A
Objective: Explain the nature of disputes.
Level: Basic

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25) An offender who is sentenced to three years of incarceration has committed which type of offense?
A) An infraction
B) A minor violation
C) A felony
D) A misdemeanor
Answer: C
Objective: Explain the nature of disputes.
Level: Basic

26) The degree of intent on the offender's part is:
A) *Stare decisis*
B) *Mens rea*
C) *Actus reus*
D) *Corpus delicti*
Answer: B
Objective: Explain the nature of disputes.
Level: Intermediate

27) Which doctrine requires that a crime must be committed in order to hold someone liable for it?
A) *Corpus delicti*
B) *Actus reus*
C) *Stare decisis*
D) *Mens rea*
Answer: A
Objective: Explain the nature of disputes.
Level: Intermediate

28) Which describes a defendant's argument that they were somewhere else at the time of the crime, making it impossible for them to have committed it?
A) Justification by necessity
B) Alibi
C) Justification by consent
D) Excuse defense
Answer: B
Objective: Explain the nature of disputes.
Level: Basic

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29) A defendant who admits that they committed a crime but claims that they are not responsible because they could not form criminal intent is using which type of defense?
A) Justification by necessity
B) Alibi
C) Justification by consent
D) Excuse defense
Answer: D
Objective: Explain the nature of disputes.
Level: Basic

1.2 True/False Questions

1) The reason we have government courts is to deal with conflict in a civilized manner.
Answer: TRUE
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Intermediate

2) Courts do not have the power to make binding decisions.
Answer: FALSE
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

3) The dual court system is advantageous because it parallels federalism.
Answer: TRUE
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Intermediate

4) The United States has a system of cooperative federalism.
Answer: TRUE
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Intermediate

5) Lower courts can control the actions and decisions of higher courts.
Answer: FALSE
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

6) Civil disputes are between the government and an individual accused of violating the law.
Answer: FALSE
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

7) Social norms are informal and often unspoken rules concerning standards of behavior.
Answer: TRUE
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

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8) The earliest known example of a formal written legal code was the Twelve Tables.
Answer: FALSE
Objective: Outline the history and development of law and the courts.
Level: Intermediate

9) Common law refers to the laws of specific villages and localities that were often enforced by canonical courts.
Answer: FALSE
Objective: Outline the history and development of law and the courts.
Level: Intermediate

10) Precedent refers to some prior action that guides current action.
Answer: TRUE
Objective: Outline the history and development of law and the courts.
Level: Basic

11) Prior judicial decisions are often overruled.
Answer: FALSE
Objective: Outline the history and development of law and the courts.
Level: Intermediate

12) The formal practice of adhering to precedent is known as *mens rea*.
Answer: FALSE
Objective: Outline the history and development of law and the courts.
Level: Basic

13) Administrative regulations come from government agencies with authority from the judicial branch.
Answer: FALSE
Objective: Outline the history and development of law and the courts.
Level: Intermediate

14) Constitutions place limits on government authority.
Answer: TRUE
Objective: Outline the history and development of law and the courts.
Level: Basic

15) The adjudication function of the courts allow them to affect how other criminal justice officials do their jobs.
Answer: FALSE
Objective: Outline the history and development of law and the courts.
Level: Basic

16) A presumption is a fact assumed to be true under the law.
Answer: TRUE
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

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17) Constitutional rights ensure that people accused of criminal activity are not treated unfairly.
Answer: TRUE
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

18) The Second Amendment prohibits cruel and unusual punishment.
Answer: FALSE
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

19) The Sixth Amendment allows court proceedings to be closed to the public.
Answer: FALSE
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

20) Procedural due process is concerned with protecting people's life, liberty, and property interests.
Answer: FALSE
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

21) Inquisitorial systems place decision-making in the hands of a very few individuals.
Answer: TRUE
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

22) Injunctive relief involves ordering one party in a civil case to pay money to the other party.
Answer: FALSE
Objective: Explain the nature of disputes.
Level: Intermediate

23) Criminal courts generally resolve disputes between private parties.
Answer: FALSE
Objective: Explain the nature of disputes.
Level: Basic

24) The law of succession is concerned with how property is passed from one generation to the next.
Answer: TRUE
Objective: Explain the nature of disputes.
Level: Intermediate

25) Property law is concerned with matters of marriage, divorce, child custody, and children's rights.
Answer: FALSE
Objective: Explain the nature of disputes.
Level: Basic

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26) An act must be physically harmful to be defined as a crime.
Answer: FALSE
Objective: Explain the nature of disputes.
Level: Basic

27) Most people convicted of misdemeanors do not spend any time incarcerated.
Answer: TRUE
Objective: Explain the nature of disputes.
Level: Basic

28) *Actus reus* involves showing that the defendant committed a criminal act.
Answer: TRUE
Objective: Explain the nature of disputes.
Level: Basic

29) An individual cannot be found guilty of a crime if they lack intent.
Answer: FALSE
Objective: Explain the nature of disputes.
Level: Basic

30) Self-defense is an example of an excuse defense.
Answer: FALSE
Objective: Explain the nature of disputes.
Level: Basic

31) One common claim in an appeal is that the judge applied the law improperly.
Answer: TRUE
Objective: Explain the nature of disputes.
Level: Basic

1.3 Fill in the Blank Questions

1) The process by which a court arrives at a decision regarding a case is known as _____.
Answer: adjudication
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

2) The United States has a _____ court system that separates state and federal courts.
Answer: dual
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Basic

3) _____ is a system of government where power is constitutionally divided between a central governing body and various constituent units.
Answer: Federalism
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Intermediate

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4) Courts help to reinforce social _____, which are informal and often unspoken rules concerning standards of behavior.
Answer: norms
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Intermediate

5) The Roman _____ Tables were the first secular written legal code.
Answer: Twelve
Objective: Outline the history and development of law and the courts.
Level: Basic

6) _____ law refers to laws of specific villages that were in effect in Medieval England.
Answer: Special
Objective: Outline the history and development of law and the courts.
Level: Intermediate

7) _____ refers to some prior action that guides current action.
Answer: Precedent
Objective: Outline the history and development of law and the courts.
Level: Intermediate

8) _____ regulations are rules promulgated by government agencies that have authority from the executive or legislative branch.
Answer: Administrative
Objective: Outline the history and development of law and the courts.
Level: Intermediate

9) The _____ function of the courts impact how police officers do their jobs on the street.
Answer: oversight
Objective: Outline the history and development of law and the courts.
Level: Basic

10) Because the prosecutor presents evidence to show the defendant is guilty, the presumption of innocence is a(n) _____ presumption.
Answer: rebuttable
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

11) The Supreme Court used _____ to make some protections listed in the Bill of Rights binding on the states.
Answer: incorporation
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

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12) Our system is _____ because it pits the prosecution and the defense against each other in the pursuit of justice.
Answer: adversarial
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

13) _____ are civil wrongs recognized by law to be grounds for a lawsuit.
Answer: Torts
Objective: Explain the nature of disputes.
Level: Intermediate

14) The law of _____ is basically the law of wills.
Answer: succession
Objective: Explain the nature of disputes.
Level: Intermediate

15) A(n) _____ is any action that violates a statute duly enacted by the proper public authority.
Answer: crime
Objective: Explain the nature of disputes.
Level: Basic

16) _____ are less serious offenses and are generally punished with less than a year of incarceration.
Answer: Misdemeanors
Objective: Explain the nature of disputes.
Level: Basic

17) The doctrine of *corpus* _____ requires that a crime must be committed in order to hold someone liable for it.
Answer: *delicti*
Objective: Explain the nature of disputes.
Level: Intermediate

18) Before a person can be convicted of a crime, the prosecutor must prove _____ *reus*, that the person actually committed a criminal act.
Answer: *actus*
Objective: Explain the nature of disputes.
Level: Intermediate

19) _____ *rea* is the degree of intent on an offender's part.
Answer: *Mens*
Objective: Explain the nature of disputes.
Level: Basic

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20) With a(n) _____ defense, defendants accept responsibility for the act they are charged with, but they argue that the act was right under the circumstances.
Answer: justification
Objective: Explain the nature of disputes.
Level: Difficult

21) The criminal law affects the courts in the _____ phase when a defendant appeals the conviction.
Answer: postsentencing
Objective: Explain the nature of disputes.
Level: Difficult

1.4 Matching Questions

Match the type of law to the correct description.

A) The category of civil law that is concerned with how property is passed from one generation to the next
B) Law originating from judicial decisions rather than from written statutes
C) The category of civil law that involves lawsuits to resolve unfilled obligations between parties
D) The category of civil law that involves lawsuits to resolve civil wrongs
E) The laws of specific villages and localities that were in effect in medieval England and that were often enforced by canonical courts

1) Common Law
Objective: Multiple
Level: Basic

2) Special Law
Objective: Multiple
Level: Basic

3) Tort Law
Objective: Multiple
Level: Basic

4) Law of Succession
Objective: Multiple
Level: Basic

5) Contract Law
Objective: Multiple
Level: Basic

Answers: 1) B 2) E 3) D 4) A 5) C

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Match these descriptions of Bill of Rights Amendments with the correct Amendment.

A) Protection against double jeopardy
B) Prevents the states from denying due process or equal protection of the law
C) Protections against unreasonable searches and seizures
D) Protection against excessive bail and fines as well as against cruel and unusual punishments
E) The right to a speedy and public trial by an impartial jury

6) Fourth Amendment
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

7) Sixth Amendment
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

8) Eighth Amendment
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

9) Fourteenth Amendment
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

10) Fifth Amendment
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Basic

Answers: 6) C 7) E 8) D 9) B 10) A

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1.5 Essay Questions

1) List and define the five different categories of civil law that are frequently resolved through civil litigation.
Answer: Tort law is a category of civil law that deals with conduct that leads to injuries not considered acceptable by societal standards.

Contract law is the category of civil law that involves lawsuits to resolve unfilled legal obligations between parties.

Property law is the category of civil law that is significantly concerned with the acceptable uses of property, as well as with property ownership.

The law of succession is concerned with how property is passed from one generation to the next.

Family law is a category of civil law that is concerned with matters of marriage, divorce, child custody, and children's rights.
Objective: Explain the nature of disputes.
Level: Basic

2) Explain the similarities and differences between civil and criminal law.
Answer: Civil law is concerned with disputes between private parties, while criminal cases are often considered crimes against the government and are government-initiated.

Civil cases have punishments including monetary damages and/or injunctive relief, while criminal cases often have an incarceration component in their punishment.

Both arose out of the need to maintain a safe and structured society and promote societal norms.
Objective: Multiple
Level: Intermediate

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3) Clarify and simply explain the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments and their relationship to our constitutional rights as they relate to the court system.
Answer: The Fourth Amendment protects people against unreasonable searches and seizures. It requires probable cause for any warrant to be issued.

The Fifth Amendment requires a grand jury in cases involving a capital or otherwise infamous crime. It also protects individuals against double jeopardy and from being compelled to incriminate themselves. This Amendment also includes a due process clause.

The Sixth Amendment guarantees the right to a speedy and public trial by an impartial jury. It requires that the accused be informed of the nature and cause of the accusation and to be confronted with the witnesses against them. This Amendment also guarantees defendants the right to counsel.

The Eighth Amendment prohibits excessive bail and excessive fines, as well as cruel and unusual punishments.

The Fourteenth Amendment states that anyone born or naturalized in the United States is a citizen of the United States and of the state where they reside. This Amendment also includes a due process clause and prevents any state from denying anyone equal protection of the laws.
Objective: Summarize the guiding legal principles underlying the U.S. court system.
Level: Intermediate

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1.6 Critical Thinking Questions

1) Describe the benefits and problems that are associated with having a dual court system.
Answer: Benefits are the separation of federal and state courts. The federal power, through the Constitution, is limited, and this allows states to have separate power over many aspects within that state.

Problems can arise when lines of jurisdiction are blurred between the federal and state government and the laws in each as well as conflicts between individual laws among the different states. Additional benefits and problems of a dual court system may also be addressed.
Objective: Explain the purpose and functions of courts and the dual court system.
Level: Intermediate

2) Explain the importance of the adversarial system of justice and explain how it differs from an inquisitorial system.
Answer: The adversarial system of justice entails a system of opponents, which creates an environment of a winner and a loser. The idea is that a number of key guiding legal principles exist to make sure that people are adequately protected as they participate in the court process. Presumptions, like the presumption of innocence, and safeguards, like those spelled out in the U.S. Constitution, are of critical importance in a system of criminal justice. Presumptions and safeguards protect the accused, as does our adversarial system.

In comparison, inquisitorial systems do not provide the same protections to the accused. Additionally, decision-making power is in the hands of one or a very few individuals. Juries are rarely used in these systems. Attorneys are more passive, and judges have a much more prominent role. While in an adversarial system judges focus on legal matters, in an inquisitorial system they may engage in fact-finding and perform investigations.
Objective: Multiple
Level: Difficult

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3) List and define the three key elements of a crime and explain why these concepts are important to criminal law.
Answer: The three key elements of a crime are *corpus delicti*, *actus reus*, and *mens rea*.

Corpus delicti literally means "the body of crime." While it could mean a literal body (in a case of murder), it generally refers to some objective proof that a crime did in fact occur. Before someone may be held liable for a crime, a crime must be shown to have been committed.

Actus reus literally means "the criminal act." This refers to the need to show that the defendant committed a criminal act. If the defendant can prove they could not have committed the crime (e.g., through the use of an alibi defense), this element of the crime is not proven.

Mens rea literally means "a guilty mind" and refers to the need to show a degree of intent on the part of the defendant. There are three types of intent–general intent, specific intent, and negligence. In most cases, intent must be proven for a defendant to be found guilty of a crime. However, in strict liability crimes, an individual may be found guilty regardless of their intent.

These concepts are important to criminal law because all three must be proven before a defendant may be convicted and sentenced.
Objective: Explain the nature of disputes.
Level: Basic

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