Criminal Law Today 7th edition Schmalleger Test Bank

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Online Instructor's Manual with Test Bank

to accompany

Criminal Law Today

Seventh Edition

Frank Schmalleger, Ph.D.

Distinguished Professor Emeritus,

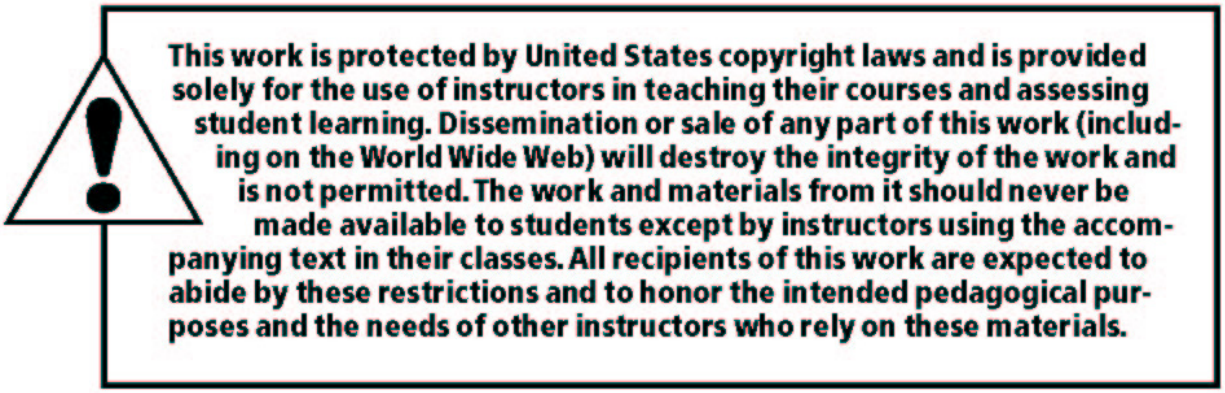
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To the Instructor

The purpose of this instructor manual is to provide guidance and direction throughout the course and the textbook. The instructor manual provides a chapter overview along with the objectives for the chapter. The outline of the lecture covers the objectives of each chapter and provides the instructor with the appropriate material to be sure to lecture on. The manual provides suggestions for additional activities for the students along with the answers to the questions at the end of each chapter.

The test bank provides questions in different formats (multiple choice, true/false, fill in the blank, matching, essay, and critical thinking) to ensure that the instructor is able to create a comprehensive and balanced test that covers the objectives of each chapter. A page number and learning objective are referenced for each question, as well as the level of difficulty of the question.

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Syllabus (10 weeks)

CRIMINAL LAW

Instructor: Pre-requisite:

Telephone: Credit hours:

Email:

Course Description:

This course is designed to provide the instruction in the study of crimes, including major crimes, crimes against person, crimes against property, conspiracy, elements of proof, and the processes and procedures involved.

Instructional Materials:

Schmalleger, F. Hall, D. (2022) *Criminal Law Today*. 7th ed. Prentice Hall.

Learning Objectives:

Upon completion of this course, students will be able to:

- Discuss the history of laws in the American Criminal Justice system as it relates from Common Law in England
- List the origins of criminal law
- Define *mens rea* and *actus reus*
- Identify the *mens rea* and *actus reus* of various crimes and case studies
- Be able to identify the specific elements of various types of crimes

Instructional Methods:

A variety of teaching strategies may be utilized in this course, including but not limited to: lecture, discussion, written classroom exercises, group and/or individual projects, videos, quizzes, exams, reading assignments, writing assignments, interactive exercises and Internet research.

Academic Honesty

Students are expected to complete all examinations and assignments without using unapproved resources or assistance. Academic dishonesty includes such activities as unapproved collaboration in completing examinations and other assignments, use of resources prohibited by the instructor, and plagiarism

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(representing another's work as one's own). In presenting results of research, a student must accurately represent, and attribute ideas or statements belonging to others and must accurately document the resources in which those ideas or statements are found, regardless of how the student may present them. Thus, whether the student quotes, paraphrases, or summarizes, anything other than common knowledge or the student's own invention must be carefully attributed and documented. Any violation of this requirement is plagiarism, a serious academic offense.

Instructor's Policies

Expectations

Late/Make-Up Work

Plagiarism

Plagiarism is the intentional or accidental misrepresentation of someone else's work/research as your own. It is important to cite all outside information using proper MLA or APA format in order to avoid plagiarism. Please see the instructor if you have questions about the proper method of citation.

Any papers or projects submitted that are found to be plagiarized will result in zeroes and will not be permitted to be rewritten.

Method for evaluating Students:

Your way of determining the student's grade.

Course Outline:

WEEKLY OUTLINE

**** WEEK ONE –****

Topics: **Chapter 1: The Nature and History of Criminal Law**

Historical and Philosophical Perspectives

Common Law

The Purpose of Criminal Law

Sources of Criminal Law

The Modern U.S. Legal System

The Rule of Law

Homework:

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****WEEK TWO –****

Topics: **Chapter 2: Criminal Liability and the Essence of Crime**

The Criminal Act

State of Mind

Strict Liability

Negligence

Concurrence

Homework:

****WEEK THREE –****

Topics: **Chapter 3: Expanding the Concept of Crime**

Corpus Delicti

Causation

Chapter 4: Expanding Criminal Liability: Inchoate Offenses

Criminal Attempt

Criminal Conspiracy

Criminal Solicitation

Parties to Crime

Homework:

****WEEK FOUR –****

Topics: **Chapter 5: Justifications and Defenses**

Types of Defenses

The Process of Affirmative Defenses

Justification as a Defense

Gun Rights

Homework:

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****WEEK FIVE –****

Topics: **Chapter 6: Defenses: Excuses and Insanity**

The Nature of Excuses
Forms of Excuses
Mental Incompetency
The Insanity Defense
Diminished Capacity
Civil Commitment

Homework:

****WEEK SIX –****

Topics: **Midterm Exam: Chapters 1-6**

Chapter 7: Crimes against Persons: Homicide

Criminal Homicide
Murder
Manslaughter
Negligent Homicide
Suicide

Homework:

**** WEEK SEVEN –****

Topics: **Chapter 8: Crimes against Persons: Assault, Sex Offenses, and Other Crimes**

Assault, Battery, and Mayhem
Sex Offenses
Kidnapping and False Imprisonment

Chapter 9: Property and Computer Crimes

Theft Crimes
Consolidation of Theft Crimes
Grading of Theft Crimes
Burglary

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Arson

Computer and High-Technology Crimes

Types of Computer Crimes

Homework:

****WEEK EIGHT –****

Topics: **Chapter 10: Offenses against Public Order and the Administration of Justice**

Crimes against Public Order

Crimes against the Administration of Government

Environmental Crimes

Chapter 11: Offenses against Public Morality

Crimes against Public Decency and Morality

Prostitution

Pornography, Obscenity, and Lewdness

Other Consensual Sex Offences

Gambling and Gaming

Controlled Substances

Homework:

**** WEEK NINE –****

Topics: **Chapter 12: Terrorism and Human Trafficking**

Terrorism, Treason, and Sedition

Terrorism Laws

Constitutional Issues

Human Smuggling and Trafficking in Persons

Federal Immigration and Trafficking Legislation

Chapter 13: Victims and the Law

Who Is a Victim?

A Short History of the Victim

Victims' Rights Legislation

Victim Statistics

Homework:

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****WEEK TEN –****

Topics: **Chapter 14: Punishment and Sentencing**

Punishment Rationales

Retribution

Deterrence

Rehabilitation

Restoration

Incapacitation

Constitutional Limitations

Homework:

****WEEK ELEVEN – ****

Final Exam

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Syllabus (16 weeks)

CRIMINAL LAW

Instructor: Pre-requisite:

Telephone: Credit hours:

Email:

Course Description:

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Instructional Materials:

Schmalleger, F. Hall, D. (2022) *Criminal Law Today*. 7th ed. Prentice Hall.

Learning Objectives:

Upon completion of this course, students will be able to:

- Discuss the history of laws in the American Criminal Justice system as it relates from Common Law in England
- List the origins of criminal law
- Define *mens rea* and *actus reus*
- Identify the *mens rea* and *actus reus* of various crimes and case studies
- Be able to identify the specific elements of various types of crimes

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A variety of teaching strategies may be utilized in this course, including but not limited to: lecture, discussion, written classroom exercises, group and/or individual projects, videos, quizzes, exams, reading assignments, writing assignments, interactive exercises and Internet research.

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examinations and other assignments, use of resources prohibited by the instructor, and plagiarism (representing another's work as one's own). In presenting results of research, a student must accurately represent, and attribute ideas or statements belonging to others and must accurately document the resources in which those ideas or statements are found, regardless of how the student may present them. Thus, whether the student quotes, paraphrases, or summarizes, anything other than common knowledge or the student's own invention must be carefully attributed and documented. Any violation of this requirement is plagiarism, a serious academic offense.

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Late/Make-Up Work

Plagiarism

Plagiarism is the intentional or accidental misrepresentation of someone else's work/research as your own. It is important to cite all outside information using proper MLA or APA format in order to avoid plagiarism. Please see the instructor if you have questions about the proper method of citation.

Any papers or projects submitted that are found to be plagiarized will result in zeroes and will not be permitted to be rewritten.

Method for evaluating Students:

Your way of determining the student's grade.

Course Outline:

WEEKLY OUTLINE

**** WEEK ONE –****

Topics: **Chapter 1: The Nature and History of Criminal Law**

Historical and Philosophical Perspectives

Common Law

The Purpose of Criminal Law

Sources of Criminal Law

The Modern U.S. Legal System

The Rule of Law

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Homework:

****WEEK TWO –****

Topics: **Chapter 2: Criminal Liability and the Essence of Crime**

The Criminal Act

State of Mind

Strict Liability

Negligence

Concurrence

Homework:

****WEEK THREE –****

Topics: **Chapter 3: Expanding the Concept of Crime**

Corpus Delicti

Causation

Homework:

****WEEK FOUR –****

Topics: **Test 1--Chapter 1-3**

Chapter 4: Expanding Criminal Liability: Inchoate Offenses

Criminal Attempt

Criminal Conspiracy

Criminal Solicitation

Parties to Crime

Homework:

****WEEK FIVE –****

Topics: **Chapter 5: Justifications and Defenses**

Types of Defenses

The Process of Affirmative Defenses

Justification as a Defense

Gun Rights

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Homework:

****WEEK SIX –****

Topics: **Chapter 6: Defenses: Excuses and Insanity**

The Nature of Excuses
Forms of Excuses
Mental Incompetency
The Insanity Defense
Diminished Capacity
Civil Commitment

Midterm Exam: Chapters 1-6

Homework:

**** WEEK SEVEN –****

Topics: **Test 2--Chapters 4-6**

Chapter 7: Crimes against Persons: Homicide

Criminal Homicide
Murder
Manslaughter
Negligent Homicide
Suicide

Homework:

****WEEK EIGHT –****

Topics: **Chapter 8: Crimes against Persons: Assault, Sex Offenses, and Other Crimes**

Assault, Battery, and Mayhem
Sex Offenses
Kidnapping and False Imprisonment

Homework:

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**** WEEK NINE –****

Topics: **Chapter 9: Property and Computer Crimes**

Theft Crimes
Consolidation of Theft Crimes
Grading of Theft Crimes
Burglary
Arson
Computer and High-Technology Crimes
Types of Computer Crimes

Homework:

****WEEK TEN –****

Topics: **Test 3--Chapters 7-9**

Chapter 10: Offenses against Public Order and the Administration of Justice

Crimes against Public Order
Crimes against the Administration of Government
Environmental Crimes

Homework:

****WEEK ELEVEN – ****

Topics: **Chapter 11: Offenses against Public Morality**

Crimes against Public Decency and Morality
Prostitution
Pornography, Obscenity, and Lewdness
Other Consensual Sex Offences
Gambling and Gaming
Controlled Substances

Homework:

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****WEEK TWELVE –****

Topics: **Chapter 12: Terrorism and Human Trafficking**

Terrorism, Treason, and Sedition
Terrorism Laws
Constitutional Issues
Human Smuggling and Trafficking in Persons
Federal Immigration and Trafficking Legislation

Homework:

****WEEK THIRTEEN –****

Topics: **Chapter 13: Victims and the Law**

Who Is a Victim?
A Short History of the Victim
Victims' Rights Legislation
Victim Statistics

Chapter 14: Punishment and Sentencing

Punishment Rationales
Retribution
Deterrence
Rehabilitation
Restoration
Incapacitation
Constitutional Limitations

Homework:

****WEEK FOURTEEN –****

Final Exam

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Chapter 1

The Nature and History of Criminal Law

CHAPTER OVERVIEW

Chapter one defines law and how it relates to the norms, mores, morals, and crime within society. The historical and philosophical perspectives of law are covered to establish the origin of law in the United States. The tradition of Common Law, along with how it functions today is discussed, as well as criminal procedure and the different types of crimes. The modern legal system, such as federalism, the separation of powers, and the due-process system are also discussed.

CHAPTER OBJECTIVES

After reading this chapter, the students should be able to:

- Define crime and criminal law.
- Summarize the origins and development of criminal law.
- Describe the role of common law in modern criminal law and explain the differences between procedural and substantive criminal law.
- Describe the various ways in which crimes can be classified and list the four traditional types of crimes.
- Identify the purposes served by criminal law.
- Identify the various sources of criminal law, including the principle of *stare decisis.*
- Describe the structure of the U.S. legal system, including jurisdiction.
- Describe the adversarial and accusatorial qualities of the U.S. system of criminal justice.
- Expound upon the "rule of law" and explain why the due process is an integral part of the rule of law.

LECTURE OUTLINE

I. Introduction

The introduction of this chapter provides a true-life story of a man who complained about the quality of drugs he had purchased.

II. What Is Criminal Law?

Law is defined according to ***Black's Law Dictionary*** as "that which is laid down, ordained, or established a body of rules of action or conduct prescribed by controlling authority and having binding *legal* force."

Not all rules are laws, and even fewer are considered crimes. Society, in general, adheres to norms, mores, and morals to police their behaviors. Criminal law can be understood as a

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body of rules and regulations that define and specify the punishments for offenses of a public nature or for wrongs committed again the state or society.

III. **Historical and Philosophical Perspectives**—Laws in the United States have been shaped by a number of historical developments and philosophical perspectives. Criminal law, in particular, has been greatly influenced by natural law theories.

A. **Natural and positive law.** Natural law can be defined as the rules of conduct inherent in human nature and in the natural order, which are thought to be knowable through intuition, inspiration, and the exercise of reason without the need to refer to man-made laws.

With natural law, the belief is that an intuitive and rational basis for many of our criminal laws can be found in immutable moral principles or some identifiable aspects of the natural order. This theory holds that individual naturally possess certain freedoms that may not be encroached upon by other individuals or governments.

B. Positive law is a contrasting construct, which simply states that the law is enforced by the government.

IV. **History of Western law.** Ancient laws—Code of Ur-Nammu from Mesopotamia is similar to contemporary U.S. law, it distinguished between compensation and punishment—or in contemporary terms civil law and common law.

Code of Hammurabi codified offenses, their punishment, and emphasized retribution.

Civil and common law traditions—Briefly discuss the Justinian Code, Roman law codified under the emperor that influenced our common law tradition when Rome conquered England in the first century.

V. **Civil and Common Law Traditions**

Courts began to develop common law, case by case that would establish a precedent. This embodied the idea that cases with similar facts should have the same law applied. In England, it began as a set of norms and rules of a community and transformed into a set of laws for a nation.

A. **Common law today.** All states today, with the exception of Louisiana, remain common law states. The responsibility of interpreting and applying the law belongs to judges, who, through their interpretation of both statures and precedent, continue to develop the existing body of common law.

- **Teaching tip:** This would be a good place to explain common law and how it applies to decisions today. Most cases come from common law and precedent. Case precedent is still used in decision making for most cases in our legal system.

B. **Civil law distinguished.** Explain how criminal law governs the relationship between man and society, while civil law governs the relationships among men. These laws are not prosecuted by the government or the subject of punishment. Instead, the aggrieved person may be entitled to monetary damages or specific performance.

There are three forms of torts—negligence, intentional behavior, and strict liability.

The primary intention of civil actions is to provide compensation for losses known as damages.

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In instances of extremely negligent or intentional behavior, civil suit plaintiffs may be awarded punitive damages.

C. **Criminal procedure distinguished.** How criminal case is processed through the legal system, including any challenges to the manner in which evidence may have been seized or a search conducted, is the subject of criminal procedure.

VI. Types of Crimes

A. Types of crimes may include felonies, misdemeanors, and infractions, violations, or petty offenses (depending upon how the legislature has named those offenses). Classification is generally by the punishment that may be imposed; felonies, more than one-year imprisonment. Misdemeanors, less than one year in a jail. Infractions, violations, or petty offenses, usually no incarceration and a fine only.

- **Teaching tip:** Mention white-collar crimes and how, while they are criminal, they are not judged or punished in the same manner as "criminal" crimes.

B. Crimes are either *mala in se*, or those that are inherently wrong, or *mala prohibita*, or those offenses that are wrong because they are prohibited by law.

VII. The Purposes of Criminal Law

Discuss the purposes of society regulating the conduct of its citizens through the democratic process. Those designated representatives are charged with creating, enforcing, and interpreting those laws. The purpose and goal is toward an orderly society through a set of rules applicable to everyone.

Sources of Criminal Law

A. **Constitutions.** The U.S. Constitution and state constitutions provide the authority for the government to create laws through the legislative process. Explain the difference between federal laws and state laws, which are created through the inherent police authority the states have.

B. **Statutes, ordinances, and regulations.** Explain how a legislative body may determine what to call its set of criminal laws, how they are organized, and the elements that make up a particular law.

C. **The common law.** Common law still has an influence in today's legal system. For instance, many state legislatures have a specific provision that recognizes the enforceability of the common law through its courts, provided that law is not inconsistent with the Constitution or laws of that state. Also, the common law provides a persuasive authority in the interpretation of the criminal law.

D. **Model Penal Code**

A guide for legislative bodies, created by the American Law Institute. Not binding unless adopted and passed by the government through the legislative process.

VIII. The Modern U.S. Legal System

A. **Federalism.** Discuss the relationship between federal and state court systems, and the dual sovereign doctrine.

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B. Separation of powers. Legislative branch, its function in making law, and the ability to override an executive veto.

Executive branch, its function in signing the law into effect and enforcing the law.

Judicial branch interprets the law and determines whether the law comports with Constitutional standards. (Discuss a hypothetical law that is passed and signed into effect that is contrary to the Constitution.)

IX. The Adversarial, Accusatorial Due-Process System

Explain the criminal process of the government, bringing charges, in an adversarial position to the accused, representing the interests of the people. Remind students of due process requirements (notice, opportunity to be heard, see, hear and cross examine witnesses).

X. The Rule of Law

A. This means in theory that no man is above the law and applied uniformly to everyone.

B. The World Justice Project identified the following elements as essential to rule of law: the accountability of government officials; whether laws are enacted and implemented in a fair and efficient manner; the degree of clarity of laws; the degree to which laws protect fundamental rights; and whether access to justice is administered by fair and independent judicial officers.

LIST OF CHANGES/TRANSITION GUIDE

In Chapter 1, stories and data were updated, recent federalism developments were added, and the discussion of common law was edited to be clearer. Throughout the text, Capstone Cases were moved closer to their textual references.

ADDITIONAL ASSIGNMENTS AND CLASS ACTIVITIES

Sample Essay Questions

1. The law consists of enforceable rules that govern relationships. Explain the difference between civil law and criminal law as to how the rules are applied, the similarities and differences, and the consequences that may result when a rule is broken.
2. List the different sources of law in our modern-day legal system. What are they? How are they enacted? What do they control or regulate?

Research Projects

1. Compare and contrast the different legal systems throughout the world.
2. Why does the Constitution limit the U.S. government's authority to pass criminal laws?

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Student Activities

1. After reading the case of *Payne* v. *Tennessee*, have the students split into three groups: The first group will advocate the holding of the case to allow victim impact evidence. The second group will counter that the allowance of such evidence has serious issues regarding inflammatory evidence influencing the decision of the jury. The third group, the observation group, will not take a position but question the legal reasoning of either group.
2. Have students briefly research and report on the various legal systems in place throughout the world. Have them identify the relevant characteristics of those systems and compare those to our system of American jurisprudence.

SUGGESTED ANSWERS TO END-OF-CHAPTER ASSIGNMENTS

1. Law is defined as "that which is laid down." The common components of law include norms, mores, and morals of that particular society in which the law is written.

2. The history of law in Western society includes the philosophies of natural and positivist law. The influence of ancient law, such as the Code of Hammurabi has also had an impact on the way both law is written and interpreted today.

3. Common law today relies on the concept of *stare decisis,* or precedent, which allows judges to rely on both statute and former case law to determine the cases before them.

4. Criminal procedure relies on the concept of due process, or the protection of an individual's liberties. Substantive law is the elements, statutes, and codes that describe particular crimes.

5. Many will claim that the overall purpose of criminal law today is to maintain public order and ensure the safety of society. Criminal law can serve to restrain those whom society considers dangerous and can deter potential offenders.

6. The main source of criminal law is the Constitution, particularly the Bill of Rights. Statutes, ordinances, and regulations also serve as a source of criminal law.

7. The modern U.S. legal system is based on the concept of federalism, which divides the power of the federal government and the states. The federal government is divided up into three branches (executive, legislative, and judicial) as a way to separate the powers. Both the state and the federal governments have different and distinct jurisdictions.

8. The adversarial system is one that pits the prosecution and the defense against one another to debate the truth. The inquisitorial system relies of the power of the judge to interpret the code of law.

9. The rule of law is the maxim that an orderly society must be governed by an orderly society. Due process is important because it ensures that an individual's rights are kept intact during the threat of prosecution.

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TEST BANK

***Criminal Law Today, 7e* (Schmalleger)**

Chapter 1 The Nature and History of Criminal Law

1.1 Multiple Choice Questions

1) That which is laid down, ordained, or established...a body of rules of action or conduct prescribed by controlling authority, and having a binding legal force are called _____.

A) morals
B) crimes
C) laws
D) norms

Answer: C
Page Ref: 2
Objective: Define crime and criminal law.
Level: Basic

2) What are the unwritten rules that underlie and are inherent in the fabric of our society?

A) Laws
B) Norms
C) Mores
D) Morals

Answer: B
Page Ref: 2
Objective: Define crime and criminal law.
Level: Basic

3) What are rules that govern serious violations of the social code, sometimes referred to as "taboos"?

A) Morals
B) Mores
C) Crimes
D) Norms

Answer: B
Page Ref: 2
Objective: Define crime and criminal law.
Level: Intermediate

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4) What is the body of rules and regulations that define punishment for offenses of a public nature or wrongs committed against the state or society?

A) Norms
B) Criminal law
C) Morality
D) Civil law

Answer: B
Page Ref: 2
Objective: Define crime and criminal law.
Level: Intermediate

5) What is another term for criminal law?

A) Wrongs to society
B) Penal laws
C) Moral laws
D) Civil laws

Answer: B
Page Ref: 2
Objective: Define crime and criminal law.
Level: Intermediate

6) What are laws that are enforced by the government?

A) Penal laws
B) Moral laws
C) Positive laws
D) Civil laws

Answer: C
Page Ref: 5
Objective: Summarize the origins and development of criminal law.
Level: Basic

7) Which type of law governs relationships between private parties?

A) Criminal law
B) Penal law
C) Probate Law
D) Civil law

Answer: D
Page Ref: 10

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Objective: Summarize the origins and development of criminal law.
Level: Basic

8) What is the unlawful violation of a private legal right other than a mere breach of contract, express or implied?
A) Infraction
B) Tort
C) Crime
D) Misdemeanor
Answer: B
Page Ref: 10
Objective: Summarize the origins and development of criminal law.
Level: Basic

9) The primary purpose of tort law is to _____.
A) punish the wrongdoer with jail time
B) assess damages and compensation
C) set a precedent for others
D) give the wrongdoer a criminal record
Answer: B
Page Ref: 11
Objective: Describe the role of common law in modern criminal law and explain the differences between procedural and substantive criminal law.
Level: Basic

10) Which type of crime is punishable by at least a year in prison?
A) Misdemeanor
B) Tort
C) Felony
D) Infraction
Answer: C
Page Ref: 12
Objective: Define crime and criminal law.
Level: Basic

11) Which of the following is the least serious crime?
A) Tort
B) Felony

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C) Infraction

D) Misdemeanor

Answer: C

Page Ref: 12

Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.

Level: Basic

12) Which of these crimes is *mala prohibita*?

A) Aggravated battery

B) Murder

C) Rape

D) Possession of drugs

Answer: D

Page Ref: 14

Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.

Level: Intermediate

13) Arson is an example of a _____.

A) morals offense

B) personal crime

C) public order offense

D) property crime

Answer: D

Page Ref: 14

Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.

Level: Basic

14) One purpose of law is to provide for _____ in human events.

A) predictability

B) substance

C) jurisprudence

D) infractions

Answer: A

Page Ref: 14

Objective: Identify the purposes served by criminal law.

Level: Intermediate

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15) The first 10 amendments to the U.S. Constitution are known as _____.

A) the Bill of Rights

B) jural postulates

C) case law

D) the due process clause

Answer: A

Page Ref: 16

Objective: Describe the structure of the U.S. legal system, including jurisdiction.

Level: Basic

16) The authority of a state to enact and enforce a criminal statute is called _____.

A) natural law

B) police power

C) judicial power

D) common law

Answer: B

Page Ref: 16

Objective: Identify the various sources of criminal law, including the principle of stare decisis.

Level: Intermediate

17) The states can only criminalize an act when _____.

A) the President of the United States signs the bill

B) the U.S. Supreme Court says so

C) there is a compelling public need to regulate the conduct

D) there is no alternative

Answer: C

Page Ref: 16

Objective: Identify the various sources of criminal law, including the principle of stare decisis.

Level: Difficult

18) _____ law is in the form of formal written codes made by a legislature or governing body with the power to make law.

A) Constitutional

B) Case

C) Statutory

D) Moral

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Answer: C

Page Ref: 17

Objective: Identify the various sources of criminal law, including the principle of stare decisis.

Level: Intermediate

19) Ray is the judge's best friend and a nice man. Carl is the judge's enemy and a bad man. Ray wrongfully damages Carl's car. When Carl sues Ray, he will win because the judge _____.

A) is a moral entrepreneur

B) follows the Rule of Law

C) follows the Rule of Jurisprudence

D) follows natural law

Answer: B

Page Ref: 17

Objective: Expound upon the "rule of law" and explain why the due process is an integral part of the rule of law.

Level: Difficult

20) _____ is the legal principle that requires that courts be bound by their own earlier decisions and by those of higher courts having jurisdiction over them regarding subsequent cases on similar issues and fact.

A) Jurisdiction

B) *Stare decisis*

C) Jurisprudence

D) Due process of law

Answer: B

Page Ref: 18

Objective: Identify the various sources of criminal law, including the principle of stare decisis.

Level: Basic

21) If the state of Illinois wanted to improve its criminal laws, the state legislators could look at the _____ Penal Code for guidance.

A) Substantive

B) Procedural

C) Moral

D) Model

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Answer: D
Page Ref: 24
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Basic

22) Which type of government consists of both local and national elements?
A) Democracy
B) Republic
C) Federalism
D) Communism
Answer: C
Page Ref: 26
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Basic

23) The early Supreme Court case of *Marbury v. Madison* set out the doctrine of _____.
A) jurisdiction
B) due process
C) substantive criminal law
D) judicial review
Answer: D
Page Ref: 29
Objective: Identify the various sources of criminal law, including the principle of stare decisis.
Level: Intermediate

24) Those procedures that effectively guarantee individual rights in the face of criminal prosecution are known as _____.
A) *stare decisis*
B) statutory law
C) due process of law
D) jurisprudence
Answer: C
Page Ref: 32
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Intermediate

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1.2 True/False Questions

1) Mores are unwritten but generally known rules that govern serious violations of the social code.

Answer: TRUE

Page Ref: 2

Objective: Define crime and criminal law.

Level: Basic

2) Norms are ethical principles or principles meant to guide human conduct and behavior-principles or standards of right and wrong.

Answer: FALSE

Page Ref: 2

Objective: Define crime and criminal law.

Level: Basic

3) A crime is any act or omission in violation of penal law, committed without defense or justification, and made punishable by the state in a judicial proceeding.

Answer: TRUE

Page Ref: 2

Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.

Level: Intermediate

4) Common law originated from use and custom rather than from written statutes.

Answer: TRUE

Page Ref: 7

Objective: Describe the role of common law in modern criminal law and explain the differences between procedural and substantive criminal law.

Level: Intermediate

5) *Stare decisis*, Latin for "let the decision stand," embodies the idea that courts should be bound by earlier decisions.

Answer: TRUE

Page Ref: 7 and 18

Objective: Identify the various sources of criminal law, including the principle of stare decisis.

Level: Basic

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6) Civil law concerns the government's decision to prohibit and punish conduct.
Answer: FALSE
Page Ref: 10
Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.
Level: Basic

7) A tort is a private or civil wrong or injury.
Answer: TRUE
Page Ref: 10
Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.
Level: Basic

8) Misdemeanor offenses are more serious than felony offenses.
Answer: FALSE
Page Ref: 12
Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.
Level: Basic

9) Adam has been convicted of a crime and sentenced to less than a year in jail. Therefore, we know that Adam has been convicted of a felony.
Answer: FALSE
Page Ref: 12
Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.
Level: Basic

10) Substantive criminal law defines what conduct is criminal.
Answer: TRUE
Page Ref: 12
Objective: Describe the role of common law in modern criminal law and explain the differences between procedural and substantive criminal law.
Level: Basic

11) The first 13 Amendments to the U.S. Constitution are known as the Bill of Rights.
Answer: FALSE
Page Ref: 15

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Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Basic

12) Statutory law is written by the judicial branch.
Answer: FALSE
Page Ref: 17
Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.
Level: Basic

13) Under America's federalist system, the central government coexists with various state and local systems.
Answer: TRUE
Page Ref: 25
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Intermediate

14) The term jurisdiction refers to both the geographic district to which the authority of a court extends and the power of a court to hear a lawsuit.
Answer: TRUE
Page Ref: 25
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Basic

15) The state supreme courts are a part of the legislative branch of the federal government.
Answer: TRUE
Page Ref: 29
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Intermediate

16) All criminal cases use a "beyond a reasonable doubt" standard of proof.
Answer: TRUE
Page Ref: 32
Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.
Level: Intermediate

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17) The due process clause is protected by the 5th and 13th Amendments to the U.S. Constitution.

Answer: FALSE

Page Ref: 33

Objective: Describe the various ways in which crimes can be classified and list the four traditional types of crimes.

Level: Difficult

1.3 Fill in the Blank Questions

1) _____ law can be understood as the body of rules and regulations that defines and specifies punishments for offenses of a public nature or for wrongs committed against the state or society.

Answer: Criminal

Page Ref: 2

Objective: Define crime and criminal law.

Level: Intermediate

2) A(n) _____ is any act or omission in violation of penal law, committed without defense or justification, and made punishable by the state in a judicial proceeding.

Answer: crime

Page Ref: 2

Objective: Define crime and criminal law.

Level: Basic

3) _____ law originates from use and custom rather than from written statutes.

Answer: Common

Page Ref: 7

Objective: Define crime and criminal law.

Level: Intermediate

4) A private or civil wrong or injury is referred to as a(n) _____.

Answer: tort

Page Ref: 10

Objective: Define crime and criminal law.

Level: Intermediate

5) The three forms of tort law include negligence, intentional and _____.

Answer: unintentional

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Objective: Define crime and criminal law.
Level: Intermediate

6) The primary reason behind civil actions is to provide _____ for losses known as damages or even injunctive relief.
Answer: compensation
Page Ref: 11
Objective: Define crime and criminal law.
Level: Basic

7) The Bill of _____ is the first 10 amendments of the U.S. Constitution.
Answer: Rights
Page Ref: 15
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Basic

8) Federalism refers to a system of government that has both local and _____ elements.
Answer: national
Page Ref: 25
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Intermediate

9) The U.S. government and the governments of all of the states are divided into three branches: legislative, _____, and judicial.
Answer: executive
Page Ref: 28
Objective: Describe the structure of the U.S. legal system, including jurisdiction.
Level: Basic

10) A(n) _____ is punishable by at least a year in prison.
Answer: felony
Page Ref: 12
Objective: Explain the differences between procedural and substantive criminal law.
Level: Basic

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11) _____, rape, and other serious offenses are examples of *mala in se* crimes.

Answer: Murder

Page Ref: 13

Objective: Describe the role of common law in modern criminal law and explain the differences between procedural and substantive criminal law.

Level: Difficult

12) The Model _____ Code is a proposed model which states can use in developing or revising their statutory codes.

Answer: Penal

Page Ref: 25

Objective: Describe the role of common law in modern criminal law and explain the differences between procedural and substantive criminal law.

Level: Intermediate

13) A preponderance of the evidence is a stand for determining legal liability, which requires a probability of just over _____ percent that the defendant did what is claimed.

Answer: 50

Page Ref: 31

Objective: Describe the role of common law in modern criminal law and explain the differences between procedural and substantive criminal law.

Level: Intermediate

14) Due process of law are those procedures that effectively guarantee individual _____ in the face of criminal prosecution.

Answer: rights

Page Ref: 32

Objective: Expound upon the "rule of law" and explain why the due process is an integral part of the rule of law.

Level: Basic

15) The case of *In Re* _____ set out the burden of proof in criminal cases to be reasonable doubt.

Answer: *Winship*

Page Ref: 31

Objective: Explain the differences between procedural and substantive criminal law.

Level: Difficult

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1.4 Matching Questions

Match the following terms with their descriptions.

A) Ethical principles meant to guide human conduct and behavior
B) Unwritten, but generally known rules
C) Unwritten rules that underlie and are inherent in the fabric of society
D) That which is laid down, ordained, established

1) Law
Level: Basic
2) Norms
Level: Basic
3) Mores
Level: Basic
4) Morals
Level: Basic
Answers: 1) D 2) C 3) B 4) A

1.5 Essay Questions

1) Describe in detail the historical context of common law traditions and how those traditions have influenced the use of common law today.
Answer: The following points should be in the answer:
a. Code of Hammurabi
b. The traditions of England
c. The concept of *stare decisis*
d. The development of case law
e. The role of judges
f. The evolvement/changes of law
Page Ref: 7
Objective: Define crime and criminal law.
Level: Difficult

2) Explain the difference between felonies, misdemeanors, and infractions as they relate to the types of crime and the punishment specific to each level of offense.
Answer: The following points should be in the answer:
a. felony
i. Serious and violent crimes
ii. An individual can be eligible for death

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iii. Will be incarcerated

iv. Will serve time in prison rather than a jail

b. Misdemeanor

i. Less serious crime than felonies—not violent

ii. Local confinement—jail

iii. Upper limit of a year of incarceration

c. Infraction

i. Least severe

ii. Violation of a local ordinance

iii. No incarceration as a result

iv. Also called summary offense

Page Ref: 12

Objective: Describe the role of common law in modern criminal law and explain the differences between procedural and substantive criminal law.

Level: Intermediate

3) Explain what federalism is, how it differs from a unitary system, and how it affects the citizens of the U.S.

Answer: The following points should be in the answer:

a. Two governments (federal and state) have jurisdiction over the inhabitants of each state.

b. Each has control over activity within the legal sphere of each clearly defined influenced.

c. They are co-sovereigns as it relates to the determination of how law functions.

Page Ref: 26

Objective: Describe the structure of the U.S. legal system, including jurisdiction.

Level: Difficult

1.6 Critical Thinking Questions

1) What is the rule of law? Who does it apply to?

Answer: This means in theory that no man is above the law and all laws are applied uniformly to everyone. The World Justice Project identified the following elements as essential to the rule of law: the accountability of government officials; whether laws are enacted and implemented in a fair and efficient manner; the degree of clarity of laws; the degree to which laws protect fundamental rights; and whether access to justice is administered by fair and independent judicial officers.

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Objective: Expound upon the "rule of law" and explain why the due process is an integral part of the rule of law.

Level: Intermediate

2) Laws in the United States have been shaped by a number of historical developments and philosophical perspectives. Explain how criminal law, in particular, has been greatly influenced by natural law and positive law theories.

Answer: Natural law can be defined as the rules of conduct inherent in human nature and in the natural order. These are thought to be discoverable through intuition, inspiration, and the exercise of reason without the need to refer to man-made laws.

With natural law, the belief is that an intuitive and rational basis for many of our criminal laws can be found in immutable moral principles or some identifiable aspects of the natural order. Man-made laws should conform to principles inherent in natural law. This theory holds that individuals naturally possess certain freedoms that may not be encroached upon by other individuals or governments. Positive law is a contrasting construct, which simply states that the law is legitimately created and enforced by the government.

Page Ref: 3

Objective: Summarize the origins and development of criminal law.

Level: Difficult

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