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Test Bank

Criminal Procedure, 7e (Worrall)

Chapter 1 Introduction to Criminal Procedure

1.1 Multiple Choice Questions

1) The most important source of rights applying to criminal procedure is/are:

A) Court decisions

B) The U.S. Constitution

C) State constitutions

D) Statutes Answer: B

Page Ref: 2

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

2) There are five constitutional amendments that are of special importance to criminal procedure: the Fourth, Fifth, Sixth, Eighth, and Fourteenth. Which of these is the most well-known source of rights in criminal procedure? A) Fourth Amendment

B) Fifth Amendment

C) Sixth Amendment

D) Eighth Amendment

Answer: A

Page Ref: 3

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

3) Which statement is true of the Fourth Amendment? A)

It protects from cruel and unusual punishment.

B) It provides for a speedy and public trial, impartial jury, confrontation, compulsory process, and assistance or counsel.

C) It provides protection from double jeopardy and self-incrimination and for grand jury indictment in serious crimes.

D) It protects from unreasonable searches and seizures.

Answer: D

Page Ref: 3

Objective: Summarize the constitutional basis for criminal procedure.

Level: Basic

4) Which statement is true of the Fifth Amendment?

A) It protects from unreasonable searches and seizures.

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B) It provides protection from double jeopardy and self-incrimination and for grand jury indictment in serious crimes.

C) It provides for a speedy and public trial, impartial jury, confrontation, compulsory process, and assistance or counsel.

D) It includes the so-called due process clause, which has been used to incorporate various other rights described in the Bill of Rights.

Answer: B

Page Ref: 4

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

5) Which statement is true of the Sixth Amendment?

A) It protects from unreasonable searches and seizures.

B) It includes the so-called due process clause, which has been used to incorporate various other rights described in the Bill of Rights.

C) It protects from cruel and unusual punishment.

D) It provides for a speedy and public trial, impartial jury, confrontation, compulsory process, and assistance or counsel.

Answer: D

Page Ref: 4

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

6) Which statement is true of the Eighth Amendment? A)

It protects from cruel and unusual punishment.

B) It protects from unreasonable searches and seizures.

C) It includes the so-called due process clause, which has been used to incorporate various other rights described in the Bill of Rights.

D) It provides for a speedy and public trial, impartial jury, confrontation, compulsory process, and assistance or counsel.

Answer: A

Page Ref: 4

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

7) Which statement is true of the Fourteenth Amendment?

A) It provides protection from double jeopardy and self-incrimination and for grand jury indictment in serious crimes.

B) It provides for a speedy and public trial, impartial jury, confrontation, compulsory process, and assistance or counsel.

C) It includes the so-called due process clause, which has been used to incorporate various other rights described in the Bill of Rights.

D) It protects from cruel and unusual punishment.

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Answer: C

Page Ref: 4

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

8) The due process clause consists of two types of due process: substantive and procedural. Substantive due process refers to: A) Procedural fairness

B) Protection from arbitrary and unreasonable action on the part of state officials

C) Exemption from complicity by government officials

D) None of the above

Answer: B

Page Ref: 4

Objective: Summarize the constitutional basis for criminal procedure. Level:

Intermediate

9) The total incorporation perspective can be best described as the view that:

A) The Fourteenth Amendment's due process clause incorporates the entire Bill of Rights

B) Protections listed in the Bill of Rights should be incorporated

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

D) Fundamental rights should be incorporated

Answer: A

Page Ref: 6

Objective: Summarize the constitutional basis for criminal procedure. Level:

Intermediate

10) Which view of incorporation favors incorporation of certain protections enumerated in the Bill of Rights, but not all of them? It deems certain rights as being more critical or fundamental than others.

A) Total Incorporation

B) Selective Incorporation

C) Total Incorporation Plus

D) Case-by-Case Incorporation

Answer: B

Page Ref: 6

Objective: Summarize the constitutional basis for criminal procedure.

Level: Intermediate

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

A) Total Incorporation

B) Selective Incorporation

C) Total Incorporation Plus

D) Case-by-Case Incorporation

Answer: B

Page Ref: 6

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Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

12) A precedent is a rule of case law that is binding on all lower courts and the court that issued it. The courts will defer to prior decisions based on a similar set of facts and legal questions. This doctrine is known as: A) *Res Gestae*

B) *Scire Feci*

C) *Stare Decisis*

D) *Suo Motu*

Answer: C

Page Ref: 7

Objective: Explain the importance of precedent.

Level: Basic

13) When a decision does not apply to the current facts, a court will _____, saying, in effect, that because the facts of the present case are different, the case cannot be decided the same way.

A) Distinguish the case

B) Use case precedent

C) Judge decision

D) Enact case law

Answer: A

Page Ref: 7

Objective: Explain the importance of precedent.

Level: Basic

14) The theory world and real world can differ for which of the following reasons?

A) The Supreme Court sometimes makes decisions on excruciatingly detailed matters that have almost no applicability to most law enforcement officers most of the time.

B) The Supreme Court frequently hands down decisions that would seem to have dramatic effects on the nature of law enforcement, but actually involve issues that are already being addressed by many police agencies.

C) What the courts say and what the police do can differ simply as a consequence of some aspect of the U.S. legal system.

D) All of the above

Answer: D

Page Ref: 8

Objective: Compare the theory of criminal procedure to the reality. Level:

Intermediate

15) The primary purpose of criminal procedure is to maintain the proper balance between:

A) Controlling crime and due process

B) Dictatorship and democracy

C) Servitude and equality

D) Protection and procedure

Answer: A

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Page Ref: 10

Objective: Compare the theory of criminal procedure to the reality. Level:

Intermediate

16) Legal guilt is determined by whether a person is guilty according to the:

A) Police

B) Judge

C) Law

D) Jury

Answer: C

Page Ref: 10

Objective: Describe the interests of public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Basic

17) Typically, the lowest-level court(s) in a given state is/are:

A) Courts of general jurisdiction

B) The state supreme court

C) Intermediate appellate courts

D) Courts of limited jurisdiction

Answer: D

Page Ref: 13

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

Level: Basic

18) Each state has its own highest court, typically referred to as:

A) Superior courts

B) Intermediate appellate courts C) State supreme courts

D) Courts of limited jurisdiction

Answer: C

Page Ref: 13

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

Level: Basic

19) At the federal level, the lowest-level trial court is referred to as:

A) U.S. Supreme Court

B) U.S. courts of appeals

C) District courts

D) Trial courts

Answer: C

Page Ref: 13

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

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Level: Basic

20) When an appellate court reverses a lower court's decision, it:

A) Nullifies or sets aside a trial verdict

B) Sends the case back to the trial level for further action consistent with the appellate decision

C) Sets the defendant free

D) Adjudicates the case

Answer: A

Page Ref: 17

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

Level: Intermediate

21) When an appellate court agrees with a lower court's decision, it _____ that decision.

A) Reverses

B) Affirms

C) Remands D) Vacates

Answer: B

Page Ref: 17

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

22) In order for a case to reach the Supreme Court, the court must decide whether it wants to hear the case. If the Supreme Court agrees that case is worth deciding, it issues what is known as a: A) *Lex loci*

B) *Jus cogens*

C) *Certiorari*

D) *Writ of certiorari*

Answer: D

Page Ref: 18

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

Level: Basic

23) Which of the following is NOT a reason a "bright-line" decision may be helpful? A) It promotes consistency.

B) It promotes clarity and predictability.

C) It is ambiguous.

D) It is subject to very little interpretation.

Answer: C

Page Ref: 19

Objective: Summarize important issues and trends in criminal procedure. Level:

Intermediate

24) Police conduct that is considered reasonable by the police officer engaged in the conduct is referred to as:

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A) Subjective reasonableness
B) Objective reasonableness
C) Reasonable objectiveness
D) Unreasonable objectiveness

Answer: A

Page Ref: 20

Objective: Provide an overview of the criminal process. Level:

Basic

25) The term “objective reasonableness” in criminal procedure refers to:
A) What a single individual believes is reasonable
B) What a reasonable person believes is reasonable
C) What a jury believes is reasonable
D) What a reasonable person would do or feel under the circumstances

Answer: D

Page Ref: 20

Objective: Provide an overview of the criminal process.

Level: Intermediate

26) Judicial restraint refers to:
A) Limiting decisions to the facts of each case
B) Deciding cases based on additional, hypothetical situations
C) Interpreting complex legal issues
D) Relying on case law to determine outcomes

Answer: A

Page Ref: 22

Objective: Summarize important issues and trends in criminal procedure. Level:

Basic

27) The past Supreme Court requirement that a physical intrusion by authorities must have taken place to violate one’s privacy is referred to as the:
A) Electronic communication protection doctrine
B) Doctrine
C) Trespass doctrine
D) Physical protection doctrine

Answer: C

Page Ref: 23

Objective: Summarize important issues and trends in criminal procedure. Level:

Intermediate

1.2 True/False Questions

1) Criminal procedure is mostly about constitutional rights, notably, those found in the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments.

Answer: TRUE

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Page Ref: 3

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

2) Total Incorporation Plus is concerned with the extent to which the various provisions of the Bill of Rights should be binding on the states.

Answer: FALSE

Page Ref: 6

Objective: Summarize the constitutional basis for criminal procedure. Level:

Intermediate

3) Total incorporation favors the incorporation of all rights in the Bill of Rights.

Answer: TRUE

Page Ref: 6

Objective: Summarize the constitutional basis for criminal procedure.

Level: Basic

4) The Fourth Amendment contains no mention of privacy.

Answer: TRUE

Page Ref: 23

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

5) Criminal procedure is closely linked to history because of the importance of precedent. Before making decisions, courts almost always look to the past for the purpose of determining whether a case with similar facts has already been decided.

Answer: TRUE

Page Ref: 28

Objective: Explain the importance of precedent.

Level: Basic

6) *Stare decisis* usually only applies to courts within a single jurisdiction.

Answer: TRUE

Page Ref: 7

Objective: Explain the importance of precedent. Level:

Intermediate

7) The theoretical world of the courts most often aligns in the most important ways with the real world of law enforcement.

Answer: FALSE

Page Ref: 28

Objective: Compare the theory of criminal procedure to the reality. Level:

Intermediate

8) The crime control perspective emphasizes controlling crime, often at the expense of people's rights.

Answer: TRUE

Page Ref: 11

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Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Basic

9) The due process perspective is concerned primarily with protecting people's rights.

Answer: TRUE

Page Ref: 10

Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Basic

10) The United States has a three-tiered court structure consisting of federal, state, and city courts.

Answer: FALSE

Page Ref: 13

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

11) At the federal level, three types of courts are relevant: district courts, circuit courts of appeals, and the U.S. Supreme Court.

Answer: TRUE

Page Ref: 13

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

12) State court structures vary from one state to the next but generally consist of courts of limited jurisdiction, trial courts of general jurisdiction, intermediate appellate courts, and supreme courts.

Answer: TRUE

Page Ref: 13

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

13) Criminal procedure consists of a vast set of rules and guidelines describing how suspected and accused criminals are to be handled and processed by the justice system.

Answer: TRUE

Page Ref: 2

Objective: Provide an overview of the criminal process. Level:

Basic

14) The due process model emphasizes factual guilt.

Answer: FALSE

Page Ref: 10

Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Intermediate

15) A bright-line decision is one in which the Court hands down a specific rule that is meant to be applied uniformly in every case, with very little interpretation.

Answer: TRUE

Page Ref: 19

Objective: Summarize important issues and trends in criminal procedure. Level:

Intermediate

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16) A decision requiring case-by-case adjudication is quite different from a bright-line decision. In these types of rulings, the Supreme Court often refers to the concept of case-specific circumstances.

Answer: FALSE

Page Ref: 20

Objective: Summarize important issues and trends in criminal procedure. Level:

Intermediate

17) Police conduct that is deemed subjectively reasonable, or characterized by subjective reasonableness, is conduct that would be considered reasonable by the police officer engaged in the conduct.

Answer: TRUE

Page Ref: 20

Objective: Summarize important issues and trends in criminal procedure. Level:

Basic

18) A concurring opinion disagrees with the court's decision.

Answer: FALSE

Page Ref: 17

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

19) An appeal is not the only method of challenging a guilty verdict. The right of *writ of certiorari*—also commonly referred to as a collateral attack—is guaranteed in the Constitution.

Answer: FALSE

Page Ref: 27

Objective: Provide an overview of the criminal process. Level:

Intermediate

20) One who files a *habeas corpus* petition is known as an appellant.

Answer: FALSE

Page Ref: 17

Objective: Provide an overview of the criminal process. Level:

Intermediate

1.3 Fill in the Blank Questions

1) The _____ Amendment's due process clause has been used by the United States Supreme Court to apply many of the rights listed in the Bill of Rights against the states.

Answer: Fourteenth

Page Ref: 4

Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

2) Total incorporation plus holds that the Fourteenth Amendment's due process clause _____ the whole Bill of Rights, as well as additional rights not specified in the Constitution, such as the "right to privacy."

Answer: Incorporates

Page Ref: 6

Objective: Summarize the constitutional basis for criminal procedure.

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Level: Intermediate

3) The _____ incorporation perspective views that the due process clause makes all of the provisions of the Bill of Rights applicable to the states.

Answer: Total

Page Ref: 6

Objective: Summarize the constitutional basis for criminal procedure. Level:

Intermediate

4) The due process perspective is, first and foremost, concerned with people's _____ and liberties.

Answer: Rights

Page Ref: 10

Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Intermediate

5) The _____ is the voice of the majority of justices in an appellate court decision, although one or more of the majority may opt to write a concurring opinion, which supports the majority's decision but for different reasons.

Answer: Opinion

Page Ref: 17

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

Level: Intermediate

6) A(n) _____ opinion disagrees with the court's decision.

Answer: Dissenting

Page Ref: 17

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

7) A past decision may not be available for every case, but when one is, the courts should follow the doctrine of *stare* _____ and defer to the past case.

Answer: *Decisis*

Page Ref: 7

Objective: Explain the importance of precedent. Level:

Intermediate

8) The term *judicial* _____ refers to the philosophy of limiting decisions to the facts of each case and deciding only the issue or issues that need to be resolved in a particular situation.

Answer: Restraint

Page Ref: 22

Objective: Provide an overview of the criminal process.

Level: Intermediate

9) The Bill of Rights is the first _____ Amendments to the United States Constitution.

Answer: Ten

Page Ref: 5

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Objective: Summarize the constitutional basis for criminal procedure. Level:

Basic

10) When the justices limit their decision to the specific facts of the case on appeal, they exercise judicial _____.

Answer: Restraint

Page Ref: 22

Objective: Summarize important issues and trends in criminal procedure. Level:

Basic

1.4 Matching Questions

1-1. Match the term listed in Column 1 to the correct definition in Column 2.

A) A vast set of rules and guidelines that describe how suspected and accused criminals are to be handled and processed by the justice system

B) A rule of case law (i.e., a decision by a court) that is binding on all lower courts and the court that issued it

C) A general concern with people's rights and liberties. The due process perspective is closely aligned with a liberal political orientation.

D) A perspective that emphasizes the importance of controlling crime, perhaps to the detriment of civil liberties

1) Precedent

Page Ref: 7

Objective: n/a

Level: Basic

2) Due process perspective

Page Ref: 10

Objective: n/a

Level: Basic

3) Crime control perspective

Page Ref: 11

Objective: n/a

Level: Basic

4) Criminal procedure

Page Ref: 2

Objective: n/a

Level: Basic

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

1-2. Match the term listed in Column 1 to the correct definition in Column 2.

A) At the U.S. Supreme Court level, an opinion written by a justice in the minority that expresses disagreement with the majority decision. Dissenting opinions are sometimes authored in lower appellate court cases.

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B) At the U.S. Supreme Court level, an opinion authored by a justice in the majority that supports the majority's decision but with different legal logic. Concurring opinions are sometimes authored in lower appellate court cases.

C) The voice of the majority of judges in an appellate court decision. At the U.S. Supreme Court level, the opinion is the voice of at least five justices.

D) An appellate court verdict that is akin to nullifying or setting aside a lower court's verdict E) An appellate court decision that is, for all practical purposes, the same as a reversal

F) An appellate court verdict that sends a case back to the lower court for further action consistent with the appellate court's decision

G) The requirement that four U.S. Supreme Court justices must agree to hear a case before it goes before the full Court

H) An appellate court verdict that expresses agreement with a lower court's decision

5) Affirm

Page Ref: 17

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

6) Vacate

Page Ref: 17

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

7) Remand

Page Ref: 17

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

8) Reverse

Page Ref: 17

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

9) Concurring opinion

Page Ref: 17

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

10) Rule of four

Page Ref: 18

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

11) Dissent

Page Ref: 17

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

12) Opinion

Page Ref: 17

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

Answers: 5) H 6) E 7) F 8) D 9) B 10) G 11) A 12) C

1-3. Match the term listed in Column 1 to the correct definition in Column 2.

A) The party that appeals. Both the prosecutor and the defendant can appeal, although defense appeals are more common than prosecution appeals.

B) The name given to a convicted criminal who challenges the constitutionality of their confinement via a *habeas corpus* petition.

C) The official representing the government in a criminal case.

D) The person charged with a crime.

13) Defendant

Page Ref: 16

Objective: Provide an overview of the criminal process. Level:

Basic

14) Petitioner

Page Ref: 17

Objective: Provide an overview of the criminal process. Level:

Basic

15) Prosecutor

Page Ref: 16

Objective: Provide an overview of the criminal process.

Level: Basic

16) Appellant

Page Ref: 17

Objective: Provide an overview of the criminal process.

Level: Basic

Answers: 13) D 14) B 15) C 16) A

1-4. Match the term listed in Column 1 to the correct definition in Column 2.

A) Protection of significant life, liberty, or property interests, sometimes described as “procedural fairness.”

B) Protection from arbitrary and unreasonable action on the part of state officials.

C) When evaluating the actions of law enforcement officials, conduct that would be considered acceptable by a “reasonable person.” A judge usually decides what a “reasonable person” would consider acceptable.

D) When evaluating the actions of law enforcement officials, conduct that would be considered reasonable by the police officer engaged in the conduct.

17) Objective reasonableness

Page Ref: 20

Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Basic

18) Subjective reasonableness

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Page Ref: 20

Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Basic

19) Substantive due process

Page Ref: 4

Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Basic

20) Procedural due process

Page Ref: 4

Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two.

Level: Basic

Answers: 17) C 18) D 19) B 20) A

1.5 Essay Questions

1) In addition to the U.S. Constitution, what other sources assist in protecting our liberty and justice?

Answer: Answers should include state constitutions and the development of state rights. Additionally, constitutions cannot protect all the interests of the people, so statutes were developed to compensate. Examples of statutes discussed in this chapter include Title VII and Section 1983. The Federal Rules of Criminal Procedure may also be discussed.

Page Ref: 2-3

Objective: Summarize the constitutional basis for criminal procedure. Level:

Intermediate

2) Explain how *Gideon v. Wainwright* is an example of *stare decisis*.

Answer: *Gideon* provided the right to counsel. The right to counsel was not addressed in the Constitution. Without precedent, defendants would not have the right to counsel.

Page Ref: 7

Objective: Explain the importance of precedent.

Level: Intermediate

3) Discuss why the due process perspective resembles a liberal political orientation and why crime control is more of a conservative perspective.

Answer: Good answers should include a discussion of the competing concerns in criminal procedure of controlling crime and the guarantee of due process rights. Liberals tend to focus on liberty interests – individual liberty and rights – while conservatives tend to focus on crime control using a "cost/benefit perspective." Due process believe it is the government's job to maximize human freedom and that a suspect is innocent until proven guilty. Due process has four ideals: that the criminal justice system should look like an obstacle course, quality over quantity, insistence on formality, and faith in the courts. Crime control advocates believe that the benefit of controlling crime to society at large outweighs the cost of infringing on some individuals' due process protections. Crime controls also has four ideals: the criminal process should look like an assembly line, quantity over quality, insistence on informality, and faith in the police.

Page Ref: 10-12

Objective: Describe the public order (crime control) and individual rights (due process) perspectives of criminal justice and how criminal procedure balances the two. Level: Difficult

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4) The United States chief justices greatly influence society's political stances and moral trends morals. What were the outcomes when Earl Warren was chief justice?

Answer: The Warren Court was from 1953 until 1969. The main outcome during this time period was extensive constitutional protections for criminal defendants. It was concerned with individual rights and due process.

Page Ref: 21

Objective: Summarize important issues and trends in criminal procedure.

Level: Intermediate

5) When comparing criminal procedure in theory versus reality, police officers cannot stop a motorist without some level of justification. As discussed in the book, what is the reality of this situation?

Answer: The reality is that people are often stopped without justification and are stopped based on prejudice. In addition, when those stopped without justification try to file a complaint, the results of those complaints are often in favor of law enforcement.

Page Ref: 9

Objective: Compare the theory of criminal procedure to the reality. Level:

Intermediate

6) Aside from the federal court system, every state has a different court system. Review your home state's court system and outline how it is organized and how that state's courts function.

Answer: Answers will vary, but should include courts of limited jurisdiction, courts of general jurisdiction, superior courts, intermediate appellate courts, and the state supreme court. Poor answers will only list the courts and not develop their functions and roles within the state.

Page Ref: 13

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

7) Analyze Figure 1.9 (The Criminal Justice System) on page 25 of the text. Why is the United States criminal justice system so complicated? What are the benefits of our system? What are the drawbacks of our system?

Answer: Answers will vary. Poor answers will only list the steps outlined in the chapter. Well prepared answers will discuss how this system needs to be complicated in order to provide due process and justice.

Page Ref: 25

Objective: Provide an overview of the criminal process. Level:

Difficult

1.6 Critical Thinking Questions

1) Considering that the Bill of Rights was designed as a series of limitations on the federal government, does it make sense that many of the same limitations have been applied to all states by the United States Supreme Court? Take a position and defend it.

Answer: Answers should include a discussion of the various incorporation arguments, including the *total incorporation* perspective; the *selective incorporation*, or the *fundamental rights* perspective; the *total incorporation plus* perspective; and finally the view that some have that the topic of incorporation deserves a case-by-case consideration. The important aspect of this question is the position taken and the analytical support given to the answer. Which incorporation perspective makes the best sense to the writer, and why? Poor answers will merely recite definitions and have minimal analysis.

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Page Ref: 3-7

Objective: Summarize the constitutional basis for criminal procedure.

Level: Difficult

2) Using the website http:www.supremecourtus.gov, find a Supreme Court case and write about it. Be sure to incorporate at least five key terms used in the chapter.

Answer: Answers will vary, but should demonstrate the ability to find, review, and analyze a court case and decision. Poor answers will just recite definitions and skip the analysis.

Page Ref: 16-19

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

Level: Difficult

3) Should Americans enjoy a right to privacy, even though no such right is listed in the Constitution? Give some current examples of situations in which you believe the right to privacy should be respected by the courts.

Answer: Answers will discuss the basis for the right to privacy and then relate it to modern examples, which could include Internet issues, medical marijuana use, abortions, religious freedoms, etc.

Page Ref: 19-23

Objective: Summarize important issues and trends in criminal procedure.

Level: Difficult

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Criminal Procedure, 7e (Worrall)

Chapter 2 Remedies

2.1 Multiple Choice Questions

1) Which rule provides that evidence obtained in violation of the Constitution cannot be used in a criminal trial to prove guilt? A) The exclusionary rule
   B) The fair examination rule
   C) The indoctrination rule
   D) The prior criminal procedure rule
   Answer: A
   Page Ref: 32
   Objective: Summarize the exclusionary rule and the issues associated with it. Level: Basic

2) There are two types of remedies:
   A) Extralegal and legal
   B) Illegal and interlegal
   C) Legal and intralegal
   D) Extralegal and illegal
   Answer: A
   Page Ref: 32
   Objective: Summarize the exclusionary rule and the issues associated with it. Level: Basic

3) Extralegal remedies are:
   A) Remedies made available by the law, by court decisions, or by a police policy or procedure
   B) Remedies made through government action
   C) Remedies conducted outside the legal process
   D) Remedies that follow a formal process
   Answer: C
   Page Ref: 32
   Objective: Summarize the exclusionary rule and the issues associated with it. Level: Basic

4) Which of the following is the most frequently discussed remedy in criminal procedure?
   A) Constitutional law
   B) Exclusionary rule
   C) Criminal law
   D) Legal remedies
   Answer: B
   Page Ref: 32
   Objective: Summarize the exclusionary rule and the issues associated with it. Level: Intermediate

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5) Which of the following is a criticism of the exclusionary rule? A) The rule excludes reliable evidence.
   B) The rule does very little to deter police misconduct.
   C) The rule creates public cynicism towards the judicial system.
   D) The rule deters police misconduct.
   Answer: B
   Page Ref: 35
   Objective: Summarize the exclusionary rule and the issues associated with it. Level: Intermediate
6) Which of the following is an argument in support of the exclusionary rule? A) The rule is beneficial because it helps innocent people.
   B) Innocent people have been subjected to more unconstitutional searches.
   C) The exclusionary rule is disproportionate in terms of its consequences.
   D) The exclusionary rule fails to serve as a general deterrent.
   Answer: A
   Page Ref: 36
   Objective: Summarize the exclusionary rule and the issues associated with it. Level: Basic
7) The exclusionary rule does NOT apply in: A) *Habeas corpus* proceedings
   B) Parole revocation hearings
   C) Grand jury investigations
   D) All of the above
   Answer: D
   Page Ref: 36-37
   Objective: Summarize the exclusionary rule and the issues associated with it. Level: Basic
8) Which exception to the exclusionary rule provides that when an honest mistake is made during the course of a search or a seizure, any subsequently obtained evidence will be considered admissible? A) Parole
   B) Revocation
   C) Good faith
   D) Impeachment
   Answer: C
   Page Ref: 37
   Objective: Summarize the exclusionary rule and the issues associated with it. Level: Basic
9) Which rule excludes additional evidence later obtained in an investigation that was the result of an initial illegal search? A) Bad faith rule
   B) Silver platter rule
   C) Purged taint
   D) Fruit of the poisonous tree

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Answer: D

Page Ref: 39

Objective: Summarize the “fruit of the poisonous tree” doctrine and the exceptions to it. Level: Basic

10) Exceptions to the fruit of the poisonous tree doctrine include:

A) Purged taint

B) Independent source

C) Inevitable discovery

D) All of the above

Answer: D

Page Ref: 0-42

Objective: Summarize the “fruit of the poisonous tree” doctrine and the exceptions to it. Level: Basic

11) Which exception to the fruit of poisonous tree doctrine permits the introduction of evidence if it has become attenuated to the extent that it dissipated the taint of the initial unconstitutional act?

A) Independent source exception

B) Purged taint exception

C) Inevitable exception

D) Questionable procedure exception

Answer: B

Page Ref: 40

Objective: Summarize the “fruit of the poisonous tree” doctrine and the exceptions to it. Level: Basic

12) Which exception to the fruit of the poisonous tree doctrine permits the introduction of evidence if it has arrived via an independent source, such as a party disconnected from the case at hand?

A) Independent source exception

B) Purged taint exception

C) Inevitable exception

D) Questionable procedure exception

Answer: A

Page Ref: 42

Objective: Summarize the “fruit of the poisonous tree” doctrine and the exceptions to it. Level: Basic

13) Which exception to the fruit of the poisonous tree doctrine permits the introduction of evidence if it would have been discovered anyway?

A) Independent source exception

B) Purged taint exception

C) Inevitable exception

D) Questionable procedure exception

Answer: C

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Page Ref: 42

Objective: Summarize the “fruit of the poisonous tree” doctrine and the exceptions to it. Level: Basic

14) At the federal level, the most common statute for holding police officers criminally liable is:

A) 18 U.S.C. Section 242

B) 18 U.S.C. Section 1983

C) 18 U.S.C. Section 1982

D) 18 U.S.C. Section 243

Answer: A

Page Ref: 43

Objective: Describe criminal prosecution and civil remedies for constitutional rights violations. Level: Basic

15) To be held liable under Section 242, a law enforcement officer must:

A) Negate a person’s rights without forethought

B) Unintentionally deny an individual their rights

C) Act with specific intent to deprive a person of important constitutional (or other federal) rights

D) Inadvertently impose restrictions on a person’s constitutional rights

Answer: C

Page Ref: 43

Objective: Describe criminal prosecution and civil remedies for constitutional rights violations. Level: Intermediate

16) In order for criminal liability to be imposed under Section 242, a(n) _____ right must be clearly established. A) Constitutional

B) Inalienable

C) Legal

D) Ethical

Answer: A

Page Ref: 43

Objective: Describe criminal prosecution and civil remedies for constitutional rights violations. Level: Intermediate

17) 42 U.S.C Section 1983 is used for:

A) Criminal liability

B) Civil liability

C) Misdemeanor charges

D) None of the above

Answer: B

Page Ref: 44

Objective: Describe criminal prosecution and civil remedies for constitutional rights violations. Level: Basic

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18) A defense that shields police officers from criminal liability when performing certain official functions, such as using deadly force, is referred to as:

A) Public duty defense

B) Immunity defense

C) Injunctive relief defense

D) Exception defense

Answer: A

Page Ref: 44

Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.

Level: Basic

19) Police officers act under color of law when they:

A) Fail to file official documents

B) Wear plain clothes during off-duty hours

C) Identify themselves as officers

D) Settle a personal vendetta

Answer: C

Page Ref: 46

Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.

Level: Basic

20) In the Section 1983 context, the requirement that the plaintiff (i.e., the party suing) generally has to prove that the defendant officer intended for the violation to occur is referred to as:

A) Liability

B) Credibility

C) Accountability

D) Culpability

Answer: D

Page Ref: 47

Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.

Level: Basic

21) In the Section 1983 context, the theory that the officer who allegedly committed the constitutional rights violation should be held liable is referred to as:

A) Individual liability

B) Criminal liability

C) Culpability

D) Civil liability

Answer: A

Page Ref: 48

Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.

Level: Basic

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