Criminal Justice The Essentials 5th edition Lab Test Bank

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Use the following to answer questions 1-25:

Define the following terms:

1. actus reus
2. common law
3. constitutional law
4. cruel and unusual punishment
5. double jeopardy
6. exclusionary rule
7. grand jury
8. habeas corpus
9. incorporation
10. judicial review
11. justification
12. mens rea
13. mental capacity
14. M'Naghten Rule

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15. probable cause

16. procedural law

17. precedent

18. Racketeering Influenced and Corrupt Organization statute

19. right against excessive bail

20. right to counsel

21. speedy trial

22. statutory law

23. strict liability

24. substantive law

25. white-collar crime

26. The practice of transforming unwritten local customs into written codes of behavior for the entire country established the English tradition of:
    A) common law
    B) precedent
    C) administrative law
    D) mala in se

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27. Laws created by legislatures are called:
    A) Legislative code
    B) Statutory law
    C) Criminal law
    D) Constitutional law

28. The term used to illustrate that the law applies to everyone, even to government bodies, is called:
    A) equal protection
    B) common law
    C) rule of law
    D) general welfare

29. Case law comes from decisions made by judges.
    A) True
    B) False

30. _____ describes the processes and actions that must be followed when carrying out the law.
    A) Fourth amendment
    B) Procedural law
    C) Administrative law
    D) Habeas corpus

31. The _____ states that the government cannot punish individuals for wrongdoing unless a law exists to define the conduct as a crime and to prescribe a punishment for it.
    A) Principle of legality
    B) Habeas corpus
    C) Administrative law
    D) Common law

32. Mens rea is always required for someone to be punished for engaging in criminal behavior.
    A) True
    B) False

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33. A/an _____ is when individuals are required by law to act, but fail to do so.
    A) Civil tort
    B) Criminal act
    C) Act of omission
    D) Victimless crime

34. When intent need not be present in order for an individual to be held liable for a crime, it is called:
    A) strict liability
    B) mens rea
    C) omission
    D) corpus delecti

35. Which type of causation is called the “but for” causation?
    A) concurrent cause
    B) direct cause
    C) proximate cause
    D) harmful cause

36. Crimes that are committed within the realm of one's work or employment are considered:
    A) Corporate crime
    B) White-collar crime
    C) Employee theft
    D) Public order offenses

37. The justification of self-defense requires all but which of the following?
    A) an ordinary person would have believed that force was to be used
    B) force is needed to defend oneself
    C) force is to be used to protect oneself from harm, not to inflict harm needlessly
    D) a prior attack took place

38. The first legal definition of insanity was known as the M'Naghten Rule.
    A) True
    B) False

39. Intoxication is never a defense to criminal liability.
    A) True
    B) False

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40. Recent proposals to combat computer-related crime have been to extend the _____ statutes.
    A) Homeland Security
    B) Racketeering Influenced and Corrupt Organization
    C) Patriot Act
    D) White-Collar Crime Act

41. The_____ provision prohibits retroactive laws.
    A) Habeas corpus
    B) Ex post facto
    C) Attainder
    D) Administrative law

42. The right to habeas corpus allows an individual to challenge illegal confinement by the government.
    A) True
    B) False

43. The protection against unreasonable searches and seizures by government entities is covered by:
    A) First Amendment
    B) Fourth Amendment
    C) Fifth Amendment
    D) Eighth Amendment

44. Searches and seizures that violate Fourth Amendment provisions are subject to the
    A) Habeas corpus rule
    B) Exclusionary rule
    C) Probable cause rule
    D) Incrimination rule

45. Which of the following is NOT covered in the Fifth Amendment?
    A) Self-incrimination
    B) Right to privacy
    C) Double jeopardy
    D) Grand jury

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46. A grand jury consists of a number of ordinary citizens who review the charges against an individual and decide if the charges warrant a trial.
    A) True
    B) False

47. The rights to speedy, public, and impartial trials and trials by jury are covered in the:
    A) Fourth Amendment
    B) Fifth Amendment
    C) Sixth Amendment
    D) Eighth Amendment

48. The right to counsel is guaranteed in the:
    A) Fourth Amendment
    B) Fifth Amendment
    C) Sixth Amendment
    D) Eighth Amendment

49. The cruel and unusual punishment clause appears in the:
    A) Fourth Amendment
    B) Fifth Amendment
    C) Sixth Amendment
    D) Eighth Amendment

50. Mala in se crimes are those that are prohibited, but not necessarily bad.
    A) True
    B) False

51. The Fourteenth Amendment includes the state due process clause.
    A) True
    B) False

52. The legislative branch is responsible for issuing executive orders.
    A) True
    B) False

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53. Which of the following is considered the highest source of law in the country?
    A) case law
    B) constitutional law
    C) statutory law
    D) administrative law

54. Which of the following is the standard of proof that police must meet in order to secure a warrant?
    A) reasonable suspicion
    B) probable cause
    C) preponderance of the evidence
    D) clear and convincing evidence

55. The purpose of a public trial is for the public to be a watchdog over government actions.
    A) True
    B) False

56. Punishments for property crimes are generally not as severe as punishments for crimes against the person.
    A) True
    B) False

57. Individuals from all socioeconomic classes can and do engage in white-collar crime.
    A) True
    B) False

58. The Bill of Rights was created to provide the government with more power to prohibit the rights of citizens.
    A) True
    B) False

59. Which of the following prohibits the government from prosecuting an individual twice for the same crime?
    A) Double jeopardy
    B) Grand jury
    C) Self-incrimination
    D) Cruel and Unusual Punishment

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60. The U.S. Supreme Court has ruled that warrantless use of GPS to track suspects is unconstitutional.
    A) True
    B) False

61. Punishments for drug offenses can range from probation to the death penalty.
    A) True
    B) False

62. Civil law covers issues such as divorces, wrongful injury, and wills.
    A) True
    B) False

63. The criminal law in the U.S. is taken from the French tradition of common law.
    A) True
    B) False

64. All laws in the U.S. must abide by the U.S. Constitution.
    A) True
    B) False

65. Many morals offenses involve sexual behavior, like prostitution.
    A) True
    B) False

66. It is fairly easy to investigate Internet crime in the U.S.
    A) True
    B) False

67. Which of the following ruled that it is unconstitutional to execute a mentally retarded offender?
    A) *Roper v. Simmons*
    B) *Gregg v. Georgia*
    C) *Coker v. Georgia*
    D) *Atkins v. Virginia*

68. How does substantive law differ from procedural law?

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69. What are two examples of substantive law? Provide examples of each.

70. Provide examples of each of the following types of crimes:
    a. Personal crimes
    b. Property crimes
    c. Crimes against public order
    d. Drug offenses
    e. White collar crimes

71. Identify the two main parts that make up the federal Constitution.

72. What needs to be in a legal warrant?

73. Explain what is meant by "incorporation" and how it has been established.

74. What is the difference between "justifications" and "excuses" with regard to defenses to criminal liability? Provide one example of each.

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Answer Key

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26. A
27. B
28. C
29. A
30. B
31. A
32. B
33. C
34. A
35. B
36. B
37. D
38. A
39. B
40. B
41. B
42. A
43. B
44. B

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45. B
46. A
47. C
48. C
49. D
50. B
51. A
52. B
53. B
54. B
55. A
56. A
57. A
58. B
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