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Name:_____ Class:_____ Date:_____

Chapter 01 - Crime, Law, Courts, and Controversy

1. What term is used to describe jurors' expectations that forensic evidence will be used in even the most mundane of cases?
   a. The DNA effect
   b. The CSI effect
   c. The science effect
   d. The BSU effect

ANSWER: b

2. What term is used to describe the numerous public agencies involved in implementing public policy concerning crime?
   a. The judiciary
   b. Law enforcement
   c. Corrections
   d. The criminal justice system

ANSWER: d

3. What are the three main components of the criminal legal system?
   a. Federal, state, and local
   b. Judges, prosecutors, and defense attorneys
   c. Police, courts, and corrections
   d. Probation, prison, and parole

ANSWER: c

4. What principle is the United States government based on that distributes governmental power between national and state governments?
   a. Federalism
   b. Fragmentation
   c. Interdependence
   d. Coordination

ANSWER: a

5. What term is used to describe the separate state and federal courts in the United States?
   a. Dual court system
   b. Checks and balances
   c. Separate but equal
   d. Judicial federalism

ANSWER: a

6. Which of the following is an example of how courts can be classified by function?
   a. Local, state, and federal courts
   b. Substantive and procedural courts
   c. National and multinational courts
   d. Trial and appeals courts

ANSWER: d

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Chapter 01 - Crime, Law, Courts, and Controversy

7. What type of court reviews decisions made by other courts?
   a. Local courts
   b. Appeals courts
   c. Magistrate courts
   d. Trial courts

ANSWER: b

8. Which type of court hears evidence and sentences defendants?
   a. Local courts
   b. Appeals courts
   c. Magistrate courts
   d. Trial courts

ANSWER: d

9. Which of the following statements about the U.S. Supreme Court is true?
   a. It hears 400–500 cases each year.
   b. It cannot hear cases from the state system.
   c. Its cases are wide-ranging in impact.
   d. It only hears trials and is not an appeals court.

ANSWER: c

10. How are the majority of state judges chosen?
   a. They are appointed by the governor.
   b. They are appointed by the state legislature.
   c. They are appointed by the state supreme court.
   d. They are elected or by merit or appointment.

ANSWER: d

11. Which of the following are irregular participants in the courthouse?
   a. Reporters
   b. Defendants
   c. Jail employees
   d. Court reporters

ANSWER: b

12. Which court participant plays an increasingly important role in the criminal courts, including setting bail, agreeing to guilty pleas, and imposing sentences?
   a. Defense attorneys
   b. Pretrial services personnel
   c. Victims
   d. Witnesses

ANSWER: c

13. Which is an example of court support staff?

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a. Bailiffs
b. Probation officers
c. Social services personnel
d. Victim advocates

ANSWER: a

14. How are most federal judges chosen?
a. They are appointed by the president.
b. They are appointed by the State.
c. They are appointed by the U.S. Supreme Court.
d. They are elected.

ANSWER: a

15. Who makes the decision on which cases to plea bargain?
a. The judge
b. The prosecutor
c. The defendant
d. Law enforcement

ANSWER: b

16. What term is used to describe a trial by a judge without a jury?
a. A summary trial
b. A bar trial
c. A bench trial
d. A trial *de novo*.

ANSWER: c

17. At what proceeding are arrestees brought before a judge, advised of their rights and the charges against them, and given a chance to make bail?
a. The pretrial hearing
b. The initial appearance
c. The arraignment
d. The preliminary hearing

ANSWER: b

18. What should a party file if they request the judge to make a decision?
a. An affidavit
b. A warrant
c. A motion
d. A judgment

ANSWER: c

19. Which of the following is true about grand juries?
a. They are used by all states.

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b. They deliberate in open hearings.
c. They usually issue a true bill.
d. They are utilized only in misdemeanor cases.

ANSWER: c

20. How are most findings of guilt determined?
a. From a plea bargain
b. From a trial by jury
c. From a bench trial
d. From a preliminary hearing

ANSWER: a

21. What does a grand jury return if it finds probable cause to hold the defendant for trial?
a. A warrant
b. A no bill
c. An indictment
d. A judgment

ANSWER: c

22. What is the most important event that can occur during an initial appearance?
a. Picking a defense attorney
b. Being advised of one's rights
c. The setting of bail
d. Issuing an indictment

ANSWER: c

23. What standard of proof is required at a preliminary hearing?
a. Proof beyond a reasonable doubt
b. Probable cause
c. Clear and convincing evidence
d. Reasonable suspicion

ANSWER: b

24. At which court proceeding is the defendant given a copy of the formal charges, advised of their rights, and called upon to enter a plea?
a. The arraignment
b. The initial appearance
c. The preliminary hearing
d. The grand jury

ANSWER: a

25. What term refers to the exchange of information prior to trial?
a. Pretrial motions
b. Plea negotiations

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c. Arrest
d. Discovery

ANSWER: d

26. What U.S. Supreme Court case held that illegally obtained evidence may not be used at the defendant's trial?
a. *Mapp v. Ohio*
b. *Miranda v. Arizona*
c. *Brown v. Mississippi*
d. *Gideon v. Wainwright*

ANSWER: a

27. What U.S. Supreme Court case held that illegally obtained confessions may not be used at the defendant's trial?
a. *Mapp v. Ohio*
b. *Miranda v. Arizona*
c. *Brown v. Mississippi*
d. *Gideon v. Wainwright*

ANSWER: b

28. Which courtroom actor usually plays a significant role in determining a sentence by conducting a presentence investigation into the defendant's personal life?
a. The judge
b. The victim
c. The prosecutor
d. The probation officer

ANSWER: d

29. Which of the following is true about criminal appeals?
a. Defendants who plead guilty usually appeal.
b. The majority of defendants are successful on appeal.
c. Most defendants that win an appeal are reconvicted in a subsequent trial.
d. Appellate court opinions only pertain to that individual case.

ANSWER: c

30. What is the first step in the criminal judicial process?
a. Arrest
b. Initial appearance
c. Arraignment
d. Bail

ANSWER: a

31. What percent of all felony convictions are the product of negotiations between the prosecutor and the defense attorney?
a. 20
b. 50

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c. 70
d. 90

ANSWER: d

32. What term is defined as the body of rules enacted by public officials in a legitimate manner and backed by the force of the state?
a. Ordinances
b. Statutes
c. Law
d. Constitutions

ANSWER: c

33. Which of the following is one of the elements of law?
a. A body of rules
b. Enacted by private citizens
c. Enacted after the fact
d. Backed by private citizens

ANSWER: a

34. What does the requirement that laws be enacted in a legitimate manner refer to?
a. The public must believe the law to be legitimate.
b. The law must be enacted after the crime is committed.
c. The rules for enacting laws must be agreed upon ahead of time.
d. Once made, the rules cannot be changed.

ANSWER: c

35. What does the requirement that laws be backed by the force of the state refer to?
a. The law must be accompanied by a sanction.
b. The law must be accompanied by justice.
c. The rules for enacting laws must be agreed upon ahead of time.
d. The law must deter crime.

ANSWER: a

36. What term is used to describe laws that are created by federal and state legislatures?
a. Ordinances
b. Statutes
c. Administrative regulations
d. Constitutions

ANSWER: b

37. What is another word for *stare decisis*?
a. Substantive law
b. Procedural law
c. Precedent

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d. Constitution

ANSWER: c

38. Which of the following is a key characteristic of common law?
a. It is primarily judge-made.
b. It is primarily found in statutes.
c. It is found in constitutions.
d. It is no longer used today.

ANSWER: a

39. In what country did the common law first appear?
a. Egypt
b. Mesopotamia
c. The United States
d. England

ANSWER: d

40. Which of the following was true about the origins of the common law?
a. It meant “general law” and applied to the entire land.
b. It meant “special law” and applied to the aristocracy.
c. It was written down in constitutions.
d. It was used in non-English speaking countries.

ANSWER: a

41. Which common law principle requires courts to follow the rulings of previous decisions?
a. Judge-made law
b. Precedent
c. Problem solving
d. Multiple sources of law

ANSWER: b

42. Which source of law is at the top of the hierarchy?
a. A constitution
b. An administration regulation
c. A court opinion
d. A statute

ANSWER: a

43. Which source of law is the second from the top in the hierarchy?
a. A constitution
b. An administration regulation
c. A court opinion
d. A statute

ANSWER: d

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44. Which source of law is the fastest growing and the least understood?
    a. The constitution
    b. Administration regulations
    c. Court opinions
    d. Statutes

ANSWER: b

45. What is the first document that establishes the underlying principles and general laws of a nation or state?
    a. The constitution
    b. Administration regulations
    c. Court opinions
    d. Statutes

ANSWER: a

46. When reading a legal citation, what comes first?
    a. The party names
    b. The volume
    c. The legal text
    d. The year the case was decided

ANSWER: a

47. When reading a legal citation, what comes last?
    a. The party names
    b. The volume
    c. The legal text
    d. The year the case was decided

ANSWER: d

48. Which term is used to express that common law is found in multiple sources of law?
    a. Legislative
    b. Codified
    c. Uncodified
    d. Regulatory

ANSWER: c

49. Which document defines the powers that each branch of government may exercise?
    a. Statutes
    b. The constitution
    c. Administrative regulations
    d. Court opinions

ANSWER: b

50. Which term is used to describe statutory laws enacted by local units of government?

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a. Regulations
b. Violations
c. Ordinances
d. Court opinions

ANSWER: c

51. If the Internal Revenue Service enacts a rule regarding what constitutes a legitimate tax deduction, what type of law would that be?
a. An administrative regulation
b. A statute
c. An ordinance
d. A court opinion

ANSWER: a

52. What is the highest burden of proof in the American court system?
a. Clear and convincing evidence
b. Preponderance of evidence
c. Probable cause
d. Proof beyond a reasonable doubt

ANSWER: d

53. Which type of law creates legal obligations?
a. Criminal law
b. Civil law
c. Procedural law
d. Substantive law

ANSWER: d

54. Which type of law establishes methods of enforcing legal obligations?
a. Criminal law
b. Civil law
c. Procedural law
d. Substantive law

ANSWER: c

55. What is the guiding assumption of the adversary system?
a. That a single person is more suited to determine guilt or innocence.
b. That two parties will uncover more of the truth than a single investigator.
c. That the police should be able to act as they best see fit.
d. That lawyers are an unnecessary part of the process.

ANSWER: b

56. Which process do attorneys use to probe for possible biases in witnesses during a trial?
a. Opening statements

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b. Testimony
c. Cross-examination
d. Closing statements

ANSWER: c

57. Which courtroom actor protects the adversarial process by searching out potential violations of the rights of the accused?
a. The prosecutor
b. The judge
c. The defense attorney
d. The jury

ANSWER: c

58. What is the primary justification for providing constitutional safeguards in the criminal justice process?
a. To ensure innocent persons are not harassed or wrongly convicted
b. To ensure the guilty are punished
c. To ensure society administers justice to the accused
d. To ensure convictions are not overturned on appeal

ANSWER: a

59. Which term emphasizes fundamental fairness by ensuring that a person should always be given notice of any charges brought against them, provided a real chance to present their side in a legal dispute, and that no law or government procedure should be arbitrary or capricious?
a. Procedural process
b. Crime control
c. Equal protection
d. Due process of law

ANSWER: d

60. Which essential element of due process do coercive police practices violate?
a. Equal protection
b. The third degree
c. Self-incrimination
d. Fundamental fairness

ANSWER: d

61. Much of the Bill of Rights has been made applicable to the statues through which amendment?
a. The First Amendment
b. The Fourth Amendment
c. The Tenth Amendment
d. The Fourteenth Amendment

ANSWER: d

62. Which Amendment to the U.S. Constitution guarantees the right to counsel?

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a. The First Amendment
b. The Fourth Amendment
c. The Sixth Amendment
d. The Eighth Amendment

ANSWER: c

63. Which Amendment to the U.S. Constitution prohibits unreasonable searches and seizures?
a. The First Amendment
b. The Fourth Amendment
c. The Fifth Amendment
d. The Eighth Amendment

ANSWER: b

64. The first ten amendments to the U.S. Constitution are known by the name:
a. Article 1
b. The Magna Carta
c. The Bill of Rights
d. The Articles of Confederation

ANSWER: c

65. Originally, the protections of the Bill of Rights were restricted to the national government. Which legal doctrine was this known as?
a. Due process
b. Equal protection
c. Selective incorporation
d. Fundamental fairness

ANSWER: c

66. Which of the following elements refers to the criminal act?
a. *Mens rea*
b. *Actus reus*
c. Attendant circumstances
d. *Corpus delicti*

ANSWER: b

67. *Mens rea* is the term used to describe which element of crime?
a. Guilty conscience
b. The criminal act
c. Criminal intent
d. Motive

ANSWER: c

68. Which of the following is one of the characteristics of violations of criminal law?
a. They are private matters.

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b. They threaten the safety of others.
c. They enforce morality.
d. They are considered public wrongs.

ANSWER: d

69. What type of crime is typically punished by one year or more in prison?
a. Violations
b. Misdemeanors
c. Felonies
d. Capital offenses

ANSWER: c

70. What term refers to all the elements of a crime that a prosecutor must prove?
a. *Mens rea*
b. *Actus reus*
c. Concurrence
d. *Corpus delicti*

ANSWER: d

71. Which of the following would qualify as an omission for *actus reus* purposes?
a. Hitting someone
b. Stealing property
c. Not filing income taxes
d. Possession of an illegal drug

ANSWER: c

72. Which element of crime is sometimes used to define the level or "degree" of the crime, such as defining theft on the amount of the goods stolen?
a. *Actus reus*
b. Union of *actus reus* and *mens rea*
c. Result
d. Attendant circumstances

ANSWER: d

73. What is the body of rules, other than criminal law, that governs private parties?
a. Inheritance law
b. Civil law
c. Production law
d. Attempt law

ANSWER: b

74. Which of the following is the party that initiates a civil lawsuit?
a. Appellant
b. Victim

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c. Appellee
d. Plaintiff

ANSWER: d

75. What type of defense permits defendants to argue that they were somewhere else at the time the crime was committed?
a. Alibi
b. Attempt
c. Mistake of fact
d. Necessity

ANSWER: a

76. Which of the following is a defense that negates *mens rea*?
a. Insanity defense
b. Attempt
c. Mistake of fact
d. Self-defense

ANSWER: c

77. Which category of defenses are based on the commission of an act under circumstances the criminal law does not seek to punish?
a. Procedural
b. Excuse
c. Defenses that negate *mens rea*
d. Justification

ANSWER: d

78. Which of the following is an example of a procedural defense?
a. Self-defense
b. Necessity
c. Infancy
d. Double jeopardy

ANSWER: d

79. Which of the following is an example of a defense of excuse?
a. Insanity
b. Necessity
c. Self-defense
d. Double jeopardy

ANSWER: a

80. Which of the following is true of the "law in action" approach?
a. It focuses on human factors governing the application of law.
b. It focuses on the strict enforcement of laws and adherence to procedures.

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c. It is found in constitutions, statutes, regulations, and court cases.
d. It focuses on the legal duties of the main actors.

ANSWER: a

81. What important concept does the "law in action" approach stress?
a. Legal theory
b. Discretion
c. Court structure
d. Formal rules

ANSWER: b

82. What is the key goal of the crime control model?
a. Repression of criminal conduct
b. Rights of defendants
c. Rights of victims
d. Integrity of the courts

ANSWER: a

83. Which of the following is a characteristic of the crime control model of criminal justice?
a. The process resembles an obstacle course for the prosecution and police.
b. It stresses formal and court fact-finding.
c. There is concern for speed and protecting society.
d. It focuses on the rights of defendants.

ANSWER: c

84. Which term refers to the repression of criminal conduct?
a. Due process
b. Crime control
c. Criminal defenses
d. Criminal justice

ANSWER: b

85. Which term refers to the protection of the rights of the individual?
a. Due process
b. Crime control
c. Criminal defenses
d. Criminal justice

ANSWER: a

86. Contrast the due process and crime control models of criminal justice.

ANSWER: The crime control model's key goal is the repression of criminal conduct, which is accomplished by apprehending, convicting, and punishing offenders. The crime control model advocates expeditious processing of offenders and reliance on informal fact-finding by the police and prosecutors to achieve the correct result. Crime is a breakdown of individual responsibility and self-control, and punishment acts as a deterrent as well as incapacitates offenders. Eliminating loopholes like the exclusionary rule and insanity

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defense is necessary to keep offenders from beating the system.
The due process model emphasizes protecting individual rights. Though concerned about crime, they believe that granting too much leeway to police will only result in the loss of freedom and civil liberties of all. The due process model supports the presumption of innocence and enforces beliefs that formal fact-finding in an adversarial process will achieve the correct result. What the crime control model views as obstacles to justice are seen by due process advocates as necessary checks on unwarranted prosecutions. Emphasis is on the need to reform people through rehabilitation, which is best accomplished through increased use of community-based sentencing alternatives rather than prison sentences.

87. List the steps in processing a typical felony case. Briefly describe what happens at each step.

ANSWER: 1) Arrest: the police take the defendant into custody, and they enter the criminal justice system. 2) Initial appearance: the defendant is brought before the judge without unnecessary delay. 3) Bail: set during the initial appearance. 4) Grand jury or preliminary hearing: the prosecution must show probable cause that the defendant committed the crime. 5) Arraignment on charges: the formal charges are read, and the defendant enters a plea. 6) Pretrial discovery and suppression of evidence. 7) Plea negotiation. 8) Trial. 9) Sentencing. 10) Appeal.

88. Describe some of the key differences between the law on the books and the law in action.

ANSWER: The law on the books describes what the law should be, based on the articulated rules of American law found in constitutions, cases, judicial opinions, and administrative rules and regulations. The law on the books differs significantly from the law in action in many respects.
The law in action reveals what actually happens in criminal courts. Examples may include the reality that while there are more than 13 million arrests each year, about half actually result in the filing of charges. Grand juries are groups of citizens who are given the responsibility for charging in felony cases, but they almost always indict the defendants that prosecutors want charged. Felony defendants have a right to file a motion to suppress unconstitutionally seized evidence, but those motions are rarely granted.

89. Contrast the roles of trial and appellate courts.

ANSWER: Most courts are trial courts. This is where trials are held, jurors are sworn, and witnesses are questioned. Trial courts are divided into major and lower courts. In lower courts, minor offenses are tried in front of a judge, and the initial stages of felony cases—first appearance, arraignment, probable cause hearings—are held. Major trial courts handle the final phases of felony prosecutions, whether the defendant enters a guilty plea or takes the case to trial. Upon conviction, the defendant is sentenced.
Appellate courts review the decisions made by trial courts when issues are raised on appeal. In appellate courts, lawyers argue whether previous decisions correctly or incorrectly followed the law. Appellate review is not a trial. No witnesses are questioned, and no jurors are called upon to render a decision. There are two levels of appellate courts at both the state and federal levels: intermediate courts, which must hear all cases, and supreme courts, which pick and choose which cases they hear. The ultimate appellate court in the United States is the U. S. Supreme Court.

90. Discuss the function and importance of the grand jury.

ANSWER: The grand jury is designed as a check on unwarranted prosecutions. All federal prosecutions and about half of the states require grand juries. The defendant and his/her attorney are not allowed to present evidence, call witnesses, or even be physically present. Grand jury proceedings are held in secret. Prosecutors must convince a majority of the grand jurors that a crime was committed and that there is probable cause that the defendant committed the crime. If the grand jury finds probable cause, it returns an indictment (true bill) that charges the defendant with the crime. If it refuses to indict the defendant, it is called a no bill or no true bill. Although the purpose of the grand jury is to safeguard against arbitrary or malicious prosecutions, In reality, grand juries are dominated by the prosecutor and rarely fail to indict in cases brought before them.

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Chapter 01 - Crime, Law, Courts, and Controversy

91. Explain the function of the criminal justice system from both an interdependent system perspective as well as a fragmented non-system perspective.

ANSWER: The interdependent system perspective on criminal justice dominates contemporary thinking. It highlights the fact that police, courts, and corrections are interdependent and interrelated. Though separate, they must interact with one another. What one part of the criminal justice system does or doesn't do directly affects the other two. The operations of law enforcement and corrections affect the judiciary. If more felons are arrested, the workload of prosecutors increases. The more overcrowded the prisons, the more difficult it is to make sentencing decisions. The decisions that courts make also have important consequences for law enforcement and corrections. The interdependence, however, does not necessarily translate into coordination and cooperation.

The fragmented non-system perspective highlights the fragmentation that characterizes each component of criminal justice. Nearly 18,000 law enforcement agencies at the local, state, and federal levels operate independently of each other. There are more than 1,700 state and federal correctional facilities and thousands of local jails. Corrections also encompass community-based corrections such as probation, drug treatment, and halfway houses. Prosecutors and courts exist at the local, country, state, district, and national levels. This complexity and fragmentation can lead to conflict between the various elements of the criminal justice system, resulting in inefficiencies and inconsistencies that hinder the achievement of justice.

92. Which amendments from the Bill of Rights are pertinent to criminal procedure? Describe what rights they provide for defendants.

ANSWER: The Fourth Amendment provides protection against unreasonable searches and seizures and outlines warrant requirements. The Fifth Amendment provides the right against self-incrimination and against double jeopardy. The Sixth Amendment provides the right to counsel, a speedy and public trial by jury, the right to confront and cross-examine witnesses, and the right to compel witnesses to appear and testify. The Eighth Amendment prohibits cruel and unusual punishments and excessive bail and fines. These rights are the basis for the protection of defendants' due process rights in criminal procedure. All of these Amendments in the Bill of Rights (the first ten Amendments to the Constitution) have been incorporated to apply to state criminal proceedings through the Fourteenth Amendment.

93. Identify and explain the importance of the three key characteristics of the common law.

ANSWER: The three key characteristics of common law are: judge-made law, precedent, and multiple sources of law. Until the late 19th century, no important body of statutory law existed in either England or the United States. Rather, judges organized social relationships through law. Although legislation bodies, not the courts, now define crimes, contemporary statutory definitions often reflect their common law heritage. The doctrine of precedent requires a judge to decide a case by applying the rule of law found in previous cases, provided the facts in the current case are similar to the facts in the previous cases. By following previous court decisions, the legal system promotes the twin goals of fairness and consistency. Multiple sources of law mean that it is not sufficient to look only at the legislative act when defining a crime. It is also necessary to know how the courts have interpreted the statute. Depending on the issue, the applicable rules of law may be found in constitutions, statutes, state administrative regulations, or court decisions.

94. You are a judge in New York City at the time that the Derek Chauvin/George Floyd case is going on. You are familiar with and have personally dealt with crimes of racial profiling in the past, but with this recent case, they have become more publicized and prominent. Claims of racial profiling in who was stopped, questioned, and frisked by New York City Police Department officers led to the federal courts adjudicating several class action civil rights lawsuits that ultimately resulted in a settlement involving judicial oversight of police stop-and-frisk activities. Because of this, the Black Lives Matter movement was formed. Your viewpoint as a judge is that stop and frisk would be a helpful and necessary part of keeping the city safe. With your viewpoint as well as the above information, including recent racial profiling cases, how would you reexamine the use of force being legally justified? How do the facts about a case influence your opinion? Do you agree with the outcome of the Derek Chauvin/George Floyd case? Please fully explain.

ANSWER: Student responses will vary depending upon opinions. However, students should discuss that hate crimes as

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criminal offenses are motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. Although motive is usually not required to prove a crime, motive is an essential element of proving a hate crime. As a judge, they would need to examine the facts of the case to see if prosecution as a hate crime is appropriate. Students might point out that race and ethnic biases account for the highest number of hate crimes reported to police each year, with the African Ammerican community being speficially targeted.

Students should also discuss the specifics of the Derek Chauvin/George Floyd case and whether they agree that Derek Chauvin was guilty of murder. They should offer ideas about ways that law enforcement can conduct its job, such as the use of stop and frisk, without targeting particular racial groups. Students might specifically discuss efforts to defund police departments, the use of a databse to track police officer misconduct, and prohibiting dangerous restraint techniques.

95. American government is based on the principle of federalism, which distributes governmental power between national (usually referred to as federal) and state governments. In turn, state governments create local units of government, such as counties and cities. Each of these levels of government has its own array of police, courts, and corrections. This decentralization adds tremendously to the complexity of the American criminal justice system. For example, depending on the nature of the law allegedly violated, several different prosecutors may bring charges against a defendant, including the following: city attorney (local), district attorney (county), attorney general (state), U.S. attorney (U.S. district court), and U.S. attorney general (national).
You are a student who is curious about the different types of attorneys but think you would be more interested in looking into being a city attorney in a large city. In your research, what do you find out about the types of cases you may be involved in? Which types of cases would you be most and least interested in, and why? Are any of them, in your opinion, easier or more difficult than another? Please fully explain.

ANSWER: Student responses will vary depending upon their research and opinions about which types of cases would be the most interesting or difficult to try. Students will likely discuss the more varied range of cases they might find in a large city, as opposed to a more rural environment. Students might find that this varied range is more interesting, but they might also find the environment more stressful.

96. Consider that you are a deputy, and have just reviewed the following principles of contemporary criminal procedure:
a. An involuntary statement is considered to be inherently untrustworthy or unreliable, and convictions based on unreliable evidence violate due process.
b. Coercive police practices are a violation of fundamental fairness, an essential element of due process; therefore, a confession coerced by the police violates due process, even if that confession is otherwise reliable.
c. Free choice is an essential aspect of due process, and an involuntary confession cannot be the product of a person's free and rational choice.

In your opinion, sometimes there are situations where force is necessary to gain confessions. With this in mind, but also considering the above principles, how forceful is acceptable and why? What are better alternatives? Also, what do you think should have happened to cases where force was exercised prior to the *Brown v. Mississippi* case? Have you heard of any cases since then that have used force to any degree? What are your thoughts on those cases? Please fully explain.

ANSWER: Student responses will vary depending upon their opinions about what constitutes "reasonable" force by law enforcement. Students should discuss *Brown v. Mississipi* and what situations would lead to an unreliable confession. Students might also discuss psychological techniques that could be used to obtain a confession (lying to suspects or depriving them of food/water, for instance) and whether this acceptable or not. They might mention cases they have heard in the media where confessions were obtained that were later questioned as being involuntary. They might mention the Derek Chauvin/George Floyd case where, even though a confession was not involved, the use of force by law enforcement was deemed unacceptable.

Students should discuss whether all previous physicially obtained confessions should have been invalidated after the ruling in *Brown v. Mississippi*.

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97. You are a prosecuting attorney reviewing a textbook about criminal justice. What would be the most important things you would look for when the text describes what makes felonies, misdemeanors, and violations different from each other? The next day you are dealing with a new case. What kinds of things would you take into consideration when determining what charge an offense is? Are there any things that you think could be considered as more than one offense or could even border one or another offense (as in, is there an offense that could be considered a felony or a misdemeanor?). How would you make your determination? Give an example and fully explain.

ANSWER: Student responses will vary. They should be able to identify that in setting penalties, the law often makes a distinction based on the seriousness of the offense. The most serious crimes are called felonies, and, in most states, they are punishable by one year or more in prison. Less serious offenses are called misdemeanors, which are typically punishable by up to a one-year sentence in a local jail. And finally, the least serious offenses are called violations, which are subject to fines or very short jail terms.

Students should identify a factual situation and discuss how it could be a more or less serious crime (or perhaps not a crime at all). For example, if the victim was hit by a car and killed, the incident could result in no crime (it was an accident and the driver did nothing wrong), a less serious crime (it was an accident but the driver was going too fast and and was unable to stop in time), a more serious crime (it was an unintentional but the driver was under the influence of alcohol), or the most serious crime possible (the driver intentionally the victim down). Students should understand that the combination of *actus reus* and *mens rea* is what makes a crime more or less serious.

98. You are prosecuting a case where a child is on trial for the murder of his own father. You have a son of your own and have a very close relationship with him. You realize that though you cannot understand how a child could kill his father, this case could fall under a defense of excuse. These cases typically seek to excuse acts committed by defendants who should not be held criminally responsible for their actions because they were too young or because their mental state prevented them from understanding the consequences of their actions. The law recognizes youthful age as a criminal defense under certain circumstances. Knowing what you do about the case, the defense of excuse, and your own relationship with your child, what is your opinion on how a child should be charged? Does it depend on the seriousness of the case or not? Why or why not? Fully explain.

ANSWER: Student responses will vary based upon their experiences and opinions about a person's ability to formulate mental intent. Students should identify that the defense of infancy is based upon the age of the child that committed the crime. For example, if a child is under the age of seven, they are considered legally incapable of forming criminal intent and therefore would not be held criminally liable for their actions. Although the exact age and which a person is no longer a juvenile and can be prosecuted as an adult differs from state to state, the trend has been for states to lower the age for prosecuting a minor as an adult.

Students might also identify that the insanity defense might be applicable, especially if the "child" was older or an adult at the time the crime occurred. If the defendant was suffering from a mental disease or defect that made them unable to appreciate the wrongfulness of their conduct, the insanity defense might be more appropriate than the insanity defense.

Finally, even though it is not an excuse defense, students might mention self-defense. If the child felt in imminent danger of death, they might be able to use this justification defense to avoid conviction.

99. Consider the actors in the courtroom and pick the three that you feel are most important to the process. What are their duties? In what ways are they similar, and how do they differ? Why do you feel that they are the most critical to the administration of justice?

ANSWER: Student responses will vary depending upon which roles they feel are most important to the legal process. Students should justify their answers by explaining the actors' duties, how they are similar to or different from other actors in the courtroom, and why they feel the role is so important to the criminal legal process.

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Chapter 01 - Crime, Law, Courts, and Controversy

Students might choose from the following roles, among others: prosecutors, defense attorneys, judges, court reporters, probation officers, correctional employees, reporters, expert witnesses, witnesses, or jurors.

100. Define the term "law" in your own words. What are the four elements of law, and why are they important to establishing legitimacy in our legal system? What role does justice play in the definition of "law?"

ANSWER: Student responses on defining law will vary. The elements of law are 1) a body of rules, 2) law enacted by public officials, 3) law enacted in a legitimate manner, and 4) law is backed by the force of the state. Students should discuss that laws should be written down and accessible so that everyone understands what is required of them. They should also apply to all people equally. There should be sanctions for disobeying the law because otherwise, laws would be unenforceable.

Justice is not part of the definition of "law" due to there being no precise legal or scientific meaning for the term.

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