Contemporary Criminal Law 7th edition Lippman Test Bank

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Contemporary Criminal Law (7th)

ISBN 9781071956205 | Chapter 1: The Nature, Purpose, and Function of Criminal Law

Total Questions: 100

Easy

Multiple Choice (25)

Q1. *[Multiple Choice]*

What do judges typically rely on when writing case decisions on criminal laws?

a) precedent ✓ correct
b) constitutional powers
c) municipal ordinances
d) treaties

Q2. *[Multiple Choice]*

A _____ is whatever the law declares to be a criminal offense and punishes with a penalty.

a) misdemeanor
b) felony
c) deviant act
d) crime ✓ correct

Q3. *[Multiple Choice]*

Unlike criminal law, legal action for civil wrongs is brought by individuals rather than _____.

a) magistrates
b) state prosecutors ✓ correct
c) defense attorneys
d) arresting officers

Q4. *[Multiple Choice]*

A _____ is defined as an injury to a person or to their property.

a) tort ✓ correct
b) felony
c) grievance
d) misdemeanor

Q5. *[Multiple Choice]*

An injury that is harmful to an individual but not to society is generally handled in _____ court.

a) civil ✓ correct
b) criminal
c) school
d) federal

Q6. *[Multiple Choice]*

_____ involves the study of the legal standards governing the detection, investigation, and prosecution of crime.

a) Substantive criminal law
b) Criminal procedure ✓ correct
c) Substantive criminal procedure
d) Law school

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Q7. *[Multiple Choice]*

Substantive criminal law involves a specific part, as well as analyzing general principles that apply to all _____.

a) crimes ✓ correct
b) civil actions
c) sentences
d) appeals

Q8. *[Multiple Choice]*

A crime punishable by death or imprisonment for more than 1 year is referred to as a(n) _____.

a) felony ✓ correct
b) misdemeanor
c) personal injury
d) infraction

Q9. *[Multiple Choice]*

A(n) _____ is a crime punishable by less than a year in prison.

a) felony
b) misdemeanor ✓ correct
c) personal injury
d) infraction

Q10. *[Multiple Choice]*

The term _____ is used in some states to refer to crimes subject to between 6 and 12 months in prison.

a) petty misdemeanor
b) gross misdemeanor ✓ correct
c) petty felony
d) gross felony

Q11. *[Multiple Choice]*

Which of the following states that when federal and state laws conflict, federal law is superior?

a) federal criminal code
b) preemption doctrine ✓ correct
c) Tenth Amendment
d) Model Penal Code

Q12. *[Multiple Choice]*

Minor criminal acts with no imprisonment term because they cause modest social harm are referred to as _____.

a) gross misdemeanors
b) petty misdemeanors
c) crimes against public morals
d) violations or infractions ✓ correct

Q13. *[Multiple Choice]*

What classification of crime will result in the lightest sentence if found guilty?

a) petty misdemeanor
b) felony
c) misdemeanor
d) violation ✓ correct

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Q14. *[Multiple Choice]*

A crime that can be punished by 30 days in jail and a $50 fine is a(n) _____.

a) petty misdemeanor ✓ correct
b) gross misdemeanor
c) violation
d) infraction

Q15. *[Multiple Choice]*

_____ crimes are considered inherently wrong and would be so even if not prohibited by law.

a) Mala in se ✓ correct
b) Mala prohibita
c) Mens rea
d) Moral

Q16. *[Multiple Choice]*

A crime that is _____ was one deserving of shame or disgrace and used to be a classification of crime.

a) immoral
b) premeditated
c) infamous ✓ correct
d) malicious

Q17. *[Multiple Choice]*

Which of the following is a source of criminal law in the United States?

a) American common law ✓ correct
b) Native American conflict resolution
c) bartering strategies
d) religious texts

Q18. *[Multiple Choice]*

Which of these forms the foundation of American criminal law?

a) state criminal code
b) federal criminal code
c) international treaties
d) English common law ✓ correct

Q19. *[Multiple Choice]*

Which common law crimes had been developed by the year 1600?

a) arson, burglary, larceny, manslaughter ✓ correct
b) mayhem, rape, robbery, embezzlement
c) false pretenses, sedition, solicitation, blasphemy
d) rape, mayhem, blasphemy, sedition

Q20. *[Multiple Choice]*

Where did common law originate?

a) Ancient Rome
b) France
c) England ✓ correct
d) the Ottoman Empire

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Q21. *[Multiple Choice]*

Some states remain _____, meaning that this type of law may be applied where the state legislature has not adopted a law in a particular area.

a) English law states
b) federal state statutes
c) federal law states
d) common law states ✓ correct

Q22. *[Multiple Choice]*

Which of the following is a standardized set of laws established to encourage states to adopt uniform codes and corresponding definitions?

a) common law
b) Model Penal Code ✓ correct
c) state criminal codes
d) international treaties

Q23. *[Multiple Choice]*

The sharing of power between the federal and state governments is referred to as _____.

a) dual sovereignty ✓ correct
b) independent power
c) federal–state relationship
d) dual law

Q24. *[Multiple Choice]*

The _____ compiles the criminal laws adopted by the United States Congress.

a) Constitution
b) state criminal code
c) federal criminal code ✓ correct
d) Supremacy Clause

Q25. *[Multiple Choice]*

The _____ of the United States Constitution provides that the federal law is superior to a state law within those areas that are preserved for the federal government.

a) Constitution
b) state criminal code
c) federal criminal code
d) Supremacy Clause ✓ correct

True/False (4)

Q26. *[True/False]*

Criminal law defines the acts that may lead to an arrest, prosecution, and imprisonment.

a) True ✓ correct
b) False

Correct answer: True

Q27. *[True/False]*

The English common law is the foundation of American criminal law.

a) True ✓ correct
b) False

Correct answer: True

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Q28. *[True/False]*

Common law plays no role in modern states' laws.

a) True

b) False ✓ correct

Correct answer: False

Q29. *[True/False]*

The United States has a system of single sovereignty.

a) True

b) False ✓ correct

Correct answer: False

Essay (1)

Q30. *[Essay]*

List five of the seven sources of criminal law in the United States.

Suggested answer: *Sample response: The sources of criminal law in the United States include English and American common law, state criminal codes, municipal ordinances, federal criminal code, state and federal constitutions, international treaties, and judicial decisions.*

Medium

Multiple Choice (21)

Q31. *[Multiple Choice]*

Which of the following is an objectionable act that would be handled by an institution?

a) shoplifting

b) infidelity

c) plagiarism ✓ correct

d) drug use

Q32. *[Multiple Choice]*

According to the text, the central point of Hart's definition of a crime is that it _____.

a) is subject to formal condemnation by a judge and jury ✓ correct

b) carries a sense of shame and humiliation

c) is followed with swift punishment

d) will be placed on a person's record

Q33. *[Multiple Choice]*

The branch of the law that protects the individual rather than the public interest is known as _____ law.

a) criminal

b) individual

c) federal

d) civil ✓ correct

Q34. *[Multiple Choice]*

A legal action in which one individual receives financial compensation from another individual for physical and emotional injuries was likely the result of _____.

a) the commission of a tort ✓ correct

b) the commission of a crime

c) certainty beyond a reasonable doubt

d) due process

Q35. *[Multiple Choice]*

What is the burden of proof required in civil court?

a) beyond a reasonable doubt
b) probable cause
c) preponderance of the evidence ✓ correct
d) reasonable suspicion

Q36. *[Multiple Choice]*

What is the primary purpose of criminal law?

a) maintain social stability ✓ correct
b) protect individual interests
c) prevent*mala prohibita*offenses
d) ensure health of citizens

Q37. *[Multiple Choice]*

Which of the following is required for a crime to occur?

a) a criminal defense
b) concurrence ✓ correct
c) independence
d) criminal intent

Q38. *[Multiple Choice]*

Which of the following best identifies the basic principles of criminal law?

a) criminal act, criminal intent, concurrence, causation, responsibility, and defenses ✓ correct
b) criminal act, criminal intent, concurrence, causation, justification, and defenses
c) criminal act, criminal intent, concurrence, plea bargain, responsibility, and defenses
d) criminal act, criminal intent, concurrence, causation, responsibility, and sentencing

Q39. *[Multiple Choice]*

Which of the following is considered to be a basic principle that comprises the general part of criminal law?

a) duress
b) defenses
c) proportionality
d) responsibility ✓ correct

Q40. *[Multiple Choice]*

The Latin phrase*nullum crimen sine lege, nulla poena sine lege*means that a crime has not occurred unless there is a(n) _____.

a) precedent
b) intention
c) purpose
d) law against it ✓ correct

Q41. *[Multiple Choice]*

Which of the following is the example of a defense?

a) revenge
b) insanity ✓ correct
c) negligence
d) voluntary intoxication

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Q42. *[Multiple Choice]*

The study of _____ involves the analysis of the definition of specific crimes and of the general principles that apply to all crimes.

a) substantive criminal law ✓ correct
b) criminal procedure
c) substantive criminal procedure
d) law school

Q43. *[Multiple Choice]*

_____ are crimes subject to the death penalty or life in prison.

a) Dangerous felonies
b) Capital misdemeanors
c) Capital felonies ✓ correct
d) Evil crimes

Q44. *[Multiple Choice]*

Aiesha is the defendant in a criminal trial. She knows if she is found guilty she will likely face less than 6 months imprisonment. What type of offense has she been charged with?

a) gross misdemeanor
b) petty misdemeanor ✓ correct
c) first degree felony
d) minor felony

Q45. *[Multiple Choice]*

Aziza is sentenced to life in prison without the possibility of parole. What category of crime did Aziza commit?

a) aggravated misdemeanor
b) felony in the second degree
c) crime against nature
d) capital felony ✓ correct

Q46. *[Multiple Choice]*

What is a likely consequence of being convicted of a felony?

a) not being able to comment on current events
b) not being allowed to adopt a baby ✓ correct
c) not being allowed to travel outside the country
d) not being able to get married

Q47. *[Multiple Choice]*

A crime that is*mala in se*is _____.

a) inherently evil ✓ correct
b) immoral due to the law
c) unethical but not illegal
d) costly for the system

Q48. *[Multiple Choice]*

_____ offenses are only considered wrong because they are prohibited by a statute.

a) Mala in se
b) Mala prohibita ✓ correct
c) Mens rea
d) Moral

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Q49. *[Multiple Choice]*

Which of the following is an example of a municipal ordinance?

a) petty theft
b) vagrancy ✓ correct
c) resisting arrest
d) bribery

Q50. *[Multiple Choice]*

_____ allow a state to incorporate the common law as an unwritten part of the criminal law.

a) Code jurisdictions
b) Common law statutes
c) Reception statutes ✓ correct
d) Federally mandated incorporations

Q51. *[Multiple Choice]*

Which of the following includes the duty to protect the well-being and tranquility of a community and prohibit acts that may bring harm to its people?

a) municipal ordinances
b) English acts of Parliament
c) crimes against public order
d) state police power ✓ correct

True/False (21)

Q52. *[True/False]*

A judge has the discretion to issue a mere warning to a criminal defendant instead of requiring payment of a fine.

a) True ✓ correct
b) False

Correct answer: True

Q53. *[True/False]*

The difference between a civil and criminal action is easy to determine.

a) True
b) False ✓ correct

Correct answer: False

Q54. *[True/False]*

The primary purpose or function of criminal law is to help maintain social order and stability.

a) True ✓ correct
b) False

Correct answer: True

Q55. *[True/False]*

One purpose of criminal law is to make sure that crime victims have a voice.

a) True ✓ correct
b) False

Correct answer: True

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Q56. *[True/False]*

The punishment of criminals serves as a warning for people of what will happen if they break the law.

a) True ✓ correct

b) False

Correct answer: True

Q57. *[True/False]*

A person who causes harm through reckless behavior has not committed a crime because they did not have bad intentions.

a) True

b) False ✓ correct

Correct answer: False

Q58. *[True/False]*

Individuals have to be given reasonable notice about the specific acts that are considered violations of the law.

a) True ✓ correct

b) False

Correct answer: True

Q59. *[True/False]*

Criminal procedure is concerned with what law is enforced.

a) True

b) False ✓ correct

Correct answer: False

Q60. *[True/False]*

Whether a conviction is for a felony or misdemeanor is determined by the punishment provided in the statute under which an individual is convicted rather than by the actual punishment imposed.

a) True ✓ correct

b) False

Correct answer: True

Q61. *[True/False]*

The severity of the punishment imposed is unrelated to the seriousness of the particular offense.

a) True

b) False ✓ correct

Correct answer: False

Q62. *[True/False]*

A misdemeanor conviction can prevent you from being licensed to practice various professions.

a) True

b) False ✓ correct

Correct answer: False

Q63. *[True/False]*

Mala prohibita offenses have been made illegal because that are deemed inherently evil by society.

a) True

b) False ✓ correct

Correct answer: False

Q64. *[True/False]*
The most serious crimes that exist are crimes against the person.

a) True
b) False ✓ correct
Correct answer: False

Q65. *[True/False]*
All criminal convictions result in a fine or imprisonment.

a) True
b) False ✓ correct
Correct answer: False

Q66. *[True/False]*
The distinctive characteristic of common law is that this is, for the most part, the product of decisions of juries in actual cases.

a) True
b) False ✓ correct
Correct answer: False

Q67. *[True/False]*
The fact that there is a significant degree of agreement in the definition of crimes in state codes due largely to the Model Penal Code.

a) True ✓ correct
b) False
Correct answer: True

Q68. *[True/False]*
It is constitutionally permissible to prosecute a defendant for the same act at both the state and federal levels as long as the criminal charges differ slightly.

a) True ✓ correct
b) False
Correct answer: True

Q69. *[True/False]*
The ability of legislators to enact criminal laws is not limited by public opinion.

a) True
b) False ✓ correct
Correct answer: False

Q70. *[True/False]*
States possess broad police powers to legislate for public health safety and welfare of the residents of the state.

a) True ✓ correct
b) False
Correct answer: True

Q71. *[True/False]*
What is considered a crime in one state will always be considered a crime in a neighboring state.

a) True
b) False ✓ correct
Correct answer: False

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Q72. *[True/False]*

Police powers enable the state to create legislation on any matter the police deem necessary.

a) True

b) False ✓ correct

Correct answer: False

Essay (11)

Q73. *[Essay]*

What is a crime?

Suggested answer: *Sample response: A crime is an action or failure to act that has been defined by the state as a criminal offense that can be punished by penalty. Crimes are generally agreed upon by society, although they can change as social norms change and evolve. There are some crimes that are commonly accepted as wrong or harmful, such as murder. These crimes are seen as unacceptable by most people. Some crimes are those that have been agreed upon by society as unacceptable, such as public indecency.*

Q74. *[Essay]*

What is criminal law?

Suggested answer: *Sample response: Criminal law is a set of legal codes that govern behavior and serves as the foundation of the criminal justice system. The law specifies what acts are against the law and what happens when people violate them. Law has to be formalized, rather than a social convention, with a specific definition of what is unacceptable behavior. In the United States, there must be a clear definition so that people can understand what is and is not acceptable. There are set consequences for what happens for people who violate the law.*

Q75. *[Essay]*

What is the difference between criminal law and civil law?

Suggested answer: *Sample response: Criminal law protects the public interest, requires a burden of proof beyond a reasonable doubt, and any legal action is brought by a prosecutor. Consequences of criminal law may result in permanent loss of freedom, life, or property. Civil law protects individuals rather than the public interest. Consequences of civil law may result in loss of property, typically in monetary terms.*

Q76. *[Essay]*

What is the purpose of criminal law?

Suggested answer: *Sample response: The primary purpose of criminal law is to maintain social order and stability. It ensures that people know that there are certain behaviors that are unacceptable and not tolerated. Society gives up a small amount of freedom in exchange for protection and regulation by the criminal justice system. As a society, we agree to follow the law and understand that there are consequences for actions. Although some crimes are not agreed upon by everyone, as a society we accept them or work to change ones that are unjust.*

Q77. *[Essay]*

What is the difference between substantive criminal law and criminal procedure?

Suggested answer: *Sample response: Substantive criminal law answers the question "What law is enforced?" Procedural criminal law, on the other hand, answers the question "How is the law enforced?" Substantive criminal law establishes the definitions of concepts and principles that apply to all crimes. These include criminal act (actus reus), criminal intent (mens rea), concurrence of actus reus and mens rea, causation, responsibility, and defenses. Procedural criminal law sets the legal standards that govern detection, investigation, and prosecution of crimes. It dictates what is and is not permissible when dealing with the criminal justice system without infringing on the constitutional rights of individuals.*

Q78. *[Essay]*

How can having a felony conviction impact someone's future?

Suggested answer: *Sample response: A felony can be punished by at least one year in prison and, for the most serious felonies, death or life in prison without parole. Even after the person is released, they can be prevented from having some jobs, being a member of the armed forces or becoming a police officer, adopting a baby, or getting government assistance. In some states, felons are not allowed to vote, although this is changing.*

Q79. *[Essay]*

Why is the Model Penal Code significant?

Suggested answer: *Sample response: The Model Penal Code (MPC) provides a standardized foundation for states when codifying criminal acts. The American Law Institute worked to develop the MPC based on the belief that justice should not depend on the state where the individual lives. Around 37 states have adopted the majority of the MPC, but no state has adopted the MPC as a whole. The MPC also establishes uniform definitions of concepts that may differ from state to state so that there is uniformity in laws at the state level.*

Q80. *[Essay]*

Professors Jerome Hall and Wayne R. LaFave identify the basic principles that comprise the general part of criminal law. List and describe these parts of criminal law and explain their importance.

Suggested answer: *Sample response: An individual must commit a criminal act (actus reus) and concurrently possess a criminal intent (mens rea) to specifically commit that crime. Typically, these two are required to occur at the same time because having the intent to commit a crime without actually committing a crime cannot be justifiably punished. Likewise, committing a crime without any intention of committing that crime may also pose problems in prosecution. For instance, an individual holding the jacket of a friend who is participating in an illegal fight may not be liable as an accomplice simply by providing slight assistance because there might not be specific intent to assist. There is also the concept of causation wherein the criminal act must have directly caused the harm to the victim. It is unjust to punish a would-be murderer for the death of another when the victim died from an unforeseeable lightning storm. Furthermore, while ignorance of the law is not a defense, society must be able to access statutes where criminal acts and intents are clearly stated so individuals may choose to either follow or violate the law. Finally, defenses are the justifications and excuses for committing an act that is typically considered a crime. It is important to differentiate between truly criminal acts and acts that are committed in self-defense, for instance.*

Q81. *[Essay]*

Describe the origins and development of the English common law and its eventual transportation to the American colonies.

Suggested answer: *Sample response: English common law is the foundation of criminal law in the United States. Common law began its development in 1066 when William the Conqueror sent judges throughout England to settle disputes in a uniform manner. These standards were written down so that they could be used to guide the decisions of courts in the future. The majority of common law was created based on the rulings of judges in actual court cases. The king and parliament were able to fill gaps in the law by establishing additional laws. Crimes such as murder and arson were established under common law. When the colonists came to North America, they brought English common law with them. All states accepted the common law following the Revolutionary War, and all states except for Louisiana recognized English common law before they joined the union. Louisiana ultimately accepted common law a few years later.*

Q82. *[Essay]*

Explain why the U.S. Constitution states that federal laws may not encroach upon state powers.

Suggested answer: *Sample response: The federal criminal code includes laws that were adopted by Congress. Dual sovereignty allows both the state and federal government to prosecute an individual for the same crimes without violating the protection against double jeopardy. The supremacy clause establishes that federal laws are considered superior to state laws when the law concerns preserving the national government. The preemption doctrine means that federal law can preempt state law when there is disagreement. However, there are limits, as the framers of the Constitution wanted to ensure that the federal government was not given too much power. Therefore, it is unconstitutional for the federal law to encroach on areas of law that should be left to the state government. For instance, the interstate commerce clause allows the federal government to regulate and punish the movement of stolen goods across state lines. This makes sense as no state would have jurisdiction in the movement of stolen goods. The Supreme Court limits the power of the federal government to those times when states cannot regulate behavior. If a state can make a decision about actions within its borders, the federal government has limited power to intervene. For example, the federal government cannot prevent Oregon physicians from providing lethal medication under the state's Death with Dignity Act. That is the responsibility of the state, and the federal government cannot infringe.*

Q83. *[Essay]*

Discuss the limitations that the U.S. Constitution places on criminal law.

> ***Suggested answer:*** *Sample response: A state or local law may not regulate an area that is reserved for the federal government. For instance, free speech is protected by federal law. A state cannot decide that people in that state will no longer be allowed to peacefully protest. However, a law may infringe upon civil and political rights in compelling circumstances. Post 9/11, the government required citizens to give up some of their privacy in the interest of protecting citizens from terrorism. Furthermore, a law must be clearly written, and citizens and police must be given notice. If a state wants to make texting while driving illegal, they need to notify citizens of this change and the police need to know what acts they can regulate and what response (ticket, arrest, etc.) is expected. Additionally, a law must not impose cruel and unusual punishment, nor may it be retroactive. If a law is made outlawing the use of hoverboards in public, law enforcement cannot punish someone who used a hoverboard in public before the law was enacted. Moreover, they cannot punish the public use of hoverboards with 10 years in prison because this is disproportionately harsh.*

Hard

Multiple Choice (14)

Q84. *[Multiple Choice]*

John lives in an apartment in downtown Chicago. His lease is not up for four more months, but he is thinking about moving out anyway. If he does so and his landlord seeks legal advice to claim the unpaid rent, his remedy likely falls within which realm?

a) substantive criminal law
b) criminal procedure
c) civil law ✓ correct
d) administrative law

Q85. *[Multiple Choice]*

Fiona wants to be a criminologist. She hopes to focus her studies on prosecutorial misconduct and the administration of justice. Her interests are examples of _____.

a) due process
b) defenses
c) criminal procedure ✓ correct
d) substantive criminal law

Q86. *[Multiple Choice]*

Ian is a new attorney who has begun his own law practice. His first client recounts a series of events in which an altercation broke out last night at the local tavern. He asks Ian what possible charges he may face for his role in the barroom brawl. What he is asking for requires an understanding of _____.

a) criminal procedure
b) due process
c) substantive criminal law ✓ correct
d) criminal intent

Q87. *[Multiple Choice]*

As Zan is driving on a wet road, his foot slips off the pedal, and he runs over a person crossing the street. Zan is not guilty of murder because there is a lack of _____.

a) action
b) concurrence
c) intent ✓ correct
d) defense

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Q88. *[Multiple Choice]*

Eric was driving his vehicle excessively fast in order to get to a convention on time. He was driving 79 in a 65mph zone. He was pulled over by a police officer and written a ticket that carries a large fine. His behavior would likely be classified as a _____.

a) misdemeanor
b) felony
c) capital felony
d) violation or infraction ✓ correct

Q89. *[Multiple Choice]*

Monika is the defendant in a criminal trial. After days of jury deliberation, she is found guilty. The judge quickly moves into the sentencing phase. Later the same day, she is sentenced to 7 months in prison. She most likely committed a _____.

a) felony
b) second-degree murder
c) gross or petty misdemeanor ✓ correct
d) violation or infraction

Q90. *[Multiple Choice]*

Last night, Tom went to a party and drank quite a bit. Afterward, he walked home because he knew he was too intoxicated to drive. Despite it being early in the morning, he was singing at the top of his lungs, and local residents called the police to complain about his behavior. If he is found to have committed a crime, it would likely be which of the following?

a) mala in se
b) mala prohibita ✓ correct
c) crime against property
d) crime against persons

Q91. *[Multiple Choice]*

Abigail recently lost her job and is finding it difficult to make ends meet. She has been considering breaking in to homes in a nice neighborhood to see what she can find to take to the pawn shop. She knows that stealing is wrong but thinks people may not notice if she takes items they don't need. Abigail is considering committing which type of crime?

a) search and seizure
b) due process violations
c) mala prohibita
d) mala in se ✓ correct

Q92. *[Multiple Choice]*

Isaac has committed a crime. He has not yet gone to trial and is hoping to work out a plea bargain with the prosecution. While he is certain he faces jail time, he is hoping to ensure he does not have to serve more than a year. Isaac is hoping to be charged with a _____.

a) misdemeanor ✓ correct
b) petty felony
c) violation
d) capital felony

Contemporary Criminal Law 7th edition Lippman Test Bank

Q93. *[Multiple Choice]*

Rizwan tosses his fast-food wrapper and cup on the ground instead of putting it in the trashcan. A police officer sees and gives Rizwan a ticket for littering. Rizwan has committed a(n) _____.

a) felony
b) capital crime
c) gross misdemeanor
d) infraction ✓ correct

Q94. *[Multiple Choice]*

Warren's wife is on trial for murder. Warren offers the prosecutor $50,000 to drop the case. Warren has committed a crime against _____.

a) the person
b) the state
c) the administration of justice ✓ correct
d) public order

Q95. *[Multiple Choice]*

Kevin makes donations to a fake charity so that he can avoid paying taxes. Kevin has committed a crime that is _____.

a) mala prohibita ✓ correct
b) mala in se
c) capital
d) against nature

Q96. *[Multiple Choice]*

A man who was recently imprisoned for a felony was released just a month ago. As a result of his conviction, what is a likely consequence he may experience?

a) inability to be licensed in various professions ✓ correct
b) inability to have a child
c) inability to serve in the armed forces
d) inability to run for office

Q97. *[Multiple Choice]*

Moral turpitude plays a role in classifying which types of crimes?

a) felonies and misdemeanors
b) mala in se and mala prohibita ✓ correct
c) gross and petty misdemeanors
d) violations and infractions

Essay (3)

Q98. *[Essay]*

List the eight classification categories of crime according to their subject matter. Provide an example of each.

Suggested answer: *Sample response: The eight classification categories of crime are (1) crimes against the state, such as treason and sedition, which are considered the most serious crimes; (2) crimes against the person, homicide, which involves cases where one person causes the death of another; (3) crimes against the person, sexual offenses and other crimes (some people consider robbery a crime against the person but others argue that it is a crime against property); (4) crimes against habitation, such as arson; (5) crimes against property, such as burglary and theft; (6) crimes against public order, such as disorderly conduct; (7) crimes against the administration of justice, which occur when someone interferes with the justice system such as obstruction of justice; and (8) crimes against public morals, such as obscenity.*

Contemporary Criminal Law 7th edition Lippman Test Bank

Q99. *[Essay]*

What is the difference between mala in se and mala prohibita crimes? Provide one example for each.

Suggested answer: *Sample response: Mala in se crimes are considered to be inherently evil and would be condemned by society even without any legislative policies that prohibit them. Homicide is a mala in se crime. Historically, societies have agreed that homicide is not acceptable because it is inherently wrong to take the life of another. Mala prohibita crimes are those crimes that are not necessarily considered inherently evil but are still punishable because a statute prohibits it. Drug crimes are mala prohibita. The difference between illegal drugs and legal prescription drugs is the law that makes one legal and the other illegal. Many people argue that alcohol and prescription opioids do more harm than drugs that are illegal.*

Q100. *[Essay]*

What is dual sovereignty? How can a defendant be prosecuted for the same act at both the state and federal levels? Use the Rodney King case to develop support for your answer.

Suggested answer: *Sample response: Dual sovereignty is the sharing of power between state and federal governments; however, a preemption doctrine exists whereby federal criminal laws are constitutionally superior to state laws. A defendant can be prosecuted for the same act at both the state and federal levels if the criminal charges slightly differ. Four LA police officers beat Rodney King, breaking his leg and causing other injuries. This incident was videotaped and broadcast around nationally. The LAPD officers were charged with assault and excessive force in state court. They were acquitted of charges except for one charge of an officer that resulted in a hung jury. Many people felt that this was unjust and due in part to racism. This led to riots in LA. The federal government was able to bring charges against officers for violating King's civil rights by willfully using excessive force. This may appear to violate the protection against double jeopardy; however, this protection specifies that a person cannot be tried for the same crime twice in the same court. The officers were charged with different crimes in state and federal court, and this is permissible. The federal government can act to ensure that people are treated fairly and are afforded the rights that they are granted in the Constitution. The federal government has the power and the responsibility to ensure that individual rights are protected.*