Criminal Courts 6th edition Hemmens Test Bank

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Criminal Courts (6th)

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Total Questions: 55

Multiple Choice (25)

Q1. *[Multiple Choice] · Cognitive Domain: Comprehension*

Hammurabi's Code governed relationships in society related to what?

a) fraud
b) sexual behavior ✓ correct
c) abortion
d) animal cruelty

Q2. *[Multiple Choice] · Cognitive Domain: Comprehension*

What perspective views law as basically a neutral framework for dealing with conflicts between individuals and groups who share the same set of fundamental values?

a) conceptual
b) coercion
c) conflict
d) consensus ✓ correct

Q3. *[Multiple Choice] · Cognitive Domain: Application*

Which scenario depicts a conflict perspective?

a) a community implementing a neighborhood watch program
b) employees at a company adopting a flexible work schedule
c) environmental activists protesting outside a corporation over pollution ✓ correct
d) a city council unanimously approving funding for a new public park

Q4. *[Multiple Choice] · Cognitive Domain: Comprehension*

According to the conflict perspective, laws work primarily for the benefit of which group?

a) wealthy ✓ correct
b) middle class
c) lower class
d) youth

Q5. *[Multiple Choice] · Cognitive Domain: Knowledge*

Which philosopher influenced the conflict perspective on law??

a) Thomas Aquinas
b) Socrates
c) Karl Marx ✓ correct
d) Niccolò Machiavelli

Q6. *[Multiple Choice] · Cognitive Domain: Knowledge*

What is one of Reichel's three irreducible elements of law?

a) supremacy of fundamental values ✓ correct
b) universal application of the fundamental values
c) holding citizens to the fundamental values
d) the verbal passing down of fundamental values

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Q7. *[Multiple Choice] · Cognitive Domain: Knowledge*

_____ is a set of instructions for how state agents must act within the criminal justice system.

a) Civil law
b) Criminal law
c) Due process ✓ correct
d) The Bill of Rights

Q8. *[Multiple Choice] · Cognitive Domain: Analysis*

What is true of judicial review?

a) This is the process by which judges create new laws.
b) In order to conduct a judicial review the court compares a law to the Constitution. ✓ correct
c) Judicial review is a power exclusive to the executive branch.
d) This is used only in criminal cases to determine the outcome of criminal trials.

Q9. *[Multiple Choice] · Cognitive Domain: Knowledge*

What is one of the functions of the court?

a) settling disputes ✓ correct
b) issuing currencies
c) managing public schools
d) setting tax rates

Q10. *[Multiple Choice] · Cognitive Domain: Knowledge*

The crime control model emphasizes _____, which means that there should be few opportunities for challenging outcomes.

a) rituals
b) reliability
c) finality ✓ correct
d) scrutiny

Q11. *[Multiple Choice] · Cognitive Domain: Knowledge*

Which metaphor best describes the due process model of the criminal justice process?

a) horse race
b) obstacle course ✓ correct
c) assembly line
d) funeral procession

Q12. *[Multiple Choice] · Cognitive Domain: Comprehension*

According to the due process model, fact–finding procedures should be _____.

a) efficient
b) speedy
c) adversarial ✓ correct
d) ritualistic

Q13. *[Multiple Choice] · Cognitive Domain: Knowledge*

What case gave the Supreme Court the power to examine a law and determine whether it is constitutional?

a) *Marbury v. Madison* ✓ correct
b) *Brown v. Board of Education*
c) *Plessy v. Ferguson*
d) *United States v. Booker*

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Q14. *[Multiple Choice] · Cognitive Domain: Application*

Which scenario illustrates a legal dispute?

a) an argument between neighbors over who gets to host the annual block party
b) a dispute between neighbors about the property line between their houses ✓ correct
c) a debate between two researchers about the best methodology for a scientific study
d) a disagreement between a shopper and a store worker about returning an item

Q15. *[Multiple Choice] · Cognitive Domain: Comprehension*

What types of law heavily use equity principles?

a) criminal and civil
b) common and criminal
c) tort and property
d) family and contract ✓ correct

Q16. *[Multiple Choice] · Cognitive Domain: Analysis*

Why do the courts receive a lot of media attention?

a) The primary role of the courts is to make laws that are then scrutinized by the public.
b) The courts typically handle all government financial decisions which is of interest to the public.
c) The decisions that are made in the courtroom can often have far reaching implications. ✓ correct
d) One of the responsibilities of the court is to determine elections which is covered by the media.

Q17. *[Multiple Choice] · Cognitive Domain: Knowledge*

What term means “let the decision stand?”

a) ratio decidendi
b) obiter dicta
c) stare decisis ✓ correct
d) ipso facto

Q18. *[Multiple Choice] · Cognitive Domain: Comprehension*

Which action best describes how judges “make law?”

a) writing legislation
b) interpreting statutes ✓ correct
c) issuing executive orders
d) sentencing offenders

Q19. *[Multiple Choice] · Cognitive Domain: Knowledge*

The common law was created by _____.

a) judges ✓ correct
b) parliament
c) the people
d) the U.S. Congress

Q20. *[Multiple Choice] · Cognitive Domain: Comprehension*

Which of the following is the primary role of the court?

a) adjudication ✓ correct
b) oversight
c) precedent
d) stare decisis

Q21. *[Multiple Choice] · Cognitive Domain: Analysis*

Which statement accurately describes the underlying view of the conflict perspective of the law?

a) Laws and social institutions serve to maintain order and balance in society.

b) This perspective sees society as a cohesive system where individuals generally agree on norms and values, promoting social stability and cooperation.

c) It views humans as rational beings who strive for mutual understanding and collective well–being.

d) Humans are seen as individuals and groups with competing interests and values. ✓ correct

Q22. *[Multiple Choice] · Cognitive Domain: Knowledge*

The _____ is the only court that sets precedent for all U.S. federal courts.

a) U.S. Supreme Court ✓ correct

b) D.C Court of Appeals

c) International Criminal Court

d) U.N. Court of Appeals

Q23. *[Multiple Choice] · Cognitive Domain: Knowledge*

_____ is the principle establishing the value and authority of precedent.

a) Ex post facto

b) Corpus juris

c) Habeas corpus

d) Stare decisis ✓ correct

Q24. *[Multiple Choice] · Cognitive Domain: Comprehension*

Ensuring proper actions of _____ is a form of judicial oversight.

a) police ✓ correct

b) election officials

c) the President of the U.S.

d) the population at large

Q25. *[Multiple Choice] · Cognitive Domain: Application*

Which of the following illustrates a law that is also just?

a) The Americans with Disabilities Act ensures that accommodations are made for employees. ✓ correct

b) Laws in some states used to require payment, known as a poll tax, to vote.

c) Jim Crow laws enforced the “separate but equal” doctrine in the southern United States,

d) Laws in some countries allow for exceptions for marital rape.

True/False (15)

Q26. *[True/False] · Cognitive Domain: Knowledge*

The Latin term*lex talionis*was clearly stated in the Code of Hammurabi and means “eye for an eye, tooth for a tooth.”

a) True ✓ correct

b) False

Correct answer: True

Q27. *[True/False] · Cognitive Domain: Knowledge*

Courts are typically proactive in their decisions.

a) True

b) False ✓ correct

Correct answer: False

Q28. *[True/False] · Cognitive Domain: Comprehension*

The U.S. court system has a simple set of rules and procedures.

a) True

b) False ✓ correct

Correct answer: False

Q29. *[True/False] · Cognitive Domain: Comprehension*

According to the rule of law, the fundamental values of a nation must be committed to writing.

a) True ✓ correct

b) False

Correct answer: True

Q30. *[True/False] · Cognitive Domain: Knowledge*

Judicial review means that a court has the power to determine the constitutionality of a law.

a) True ✓ correct

b) False

Correct answer: True

Q31. *[True/False] · Cognitive Domain: Comprehension*

Due process applies to anyone threatened by the state with loss of life, liberty, or property.

a) True ✓ correct

b) False

Correct answer: True

Q32. *[True/False] · Cognitive Domain: Comprehension*

The crime control model is most concerned with ensuring the rights of defendants.

a) True

b) False ✓ correct

Correct answer: False

Q33. *[True/False] · Cognitive Domain: Comprehension*

The assembly line is a metaphor for the due process model.

a) True

b) False ✓ correct

Correct answer: False

Q34. *[True/False] · Cognitive Domain: Comprehension*

The conflict model sees society as an integrated network of institutions held together by a common set of values.

a) True

b) False ✓ correct

Correct answer: False

Q35. *[True/False] · Cognitive Domain: Comprehension*

The due process and crime control models have zero tolerance for mistakes.

a) True

b) False ✓ correct

Correct answer: False

Q36. *[True/False] · Cognitive Domain: Comprehension*

Judges base decisions about cases on their own opinions.

a) True

b) False ✓ correct

Correct answer: False

Q37. *[True/False] · Cognitive Domain: Comprehension*

Turning to the courts to settle disputes is a relatively recent trend in America.

a) True

b) False ✓ correct

Correct answer: False

Q38. *[True/False] · Cognitive Domain: Knowledge*

Court decisions that establish precedent are known as ratio decidendi.

a) True ✓ correct

b) False

Correct answer: True

Q39. *[True/False] · Cognitive Domain: Comprehension*

Karl Marx's idea of a false consciousness means that the working classes have accepted an ideological worldview that is contrary to their best interests.

a) True ✓ correct

b) False

Correct answer: True

Q40. *[True/False] · Cognitive Domain: Knowledge*

There are at least two competing sets of ideas in every matter of controversy in criminal justice.

a) True ✓ correct

b) False

Correct answer: True

Essay (15)

Q41. *[Essay] · Cognitive Domain: Comprehension*

What are the three primary judicial functions?

Suggested answer: *Sample response: First, courts settle disputes by providing a forum for obtaining justice and resolving disputes through the application of legal rules and principles. It is in court that injured parties may seek compensation and the state may seek to punish wrongdoers. Second, courts make public policy decisions. Policymaking involves the allocation of limited resources (such as money and property) to competing interests. America has a long tradition of settling difficult policy questions in the courtroom rather than in the legislature. Third, courts serve to clarify the law through interpretation of statutes and the application of general principles to fact patterns.*

Q42. *[Essay] · Cognitive Domain: Comprehension*

How do judges address situations where they determine that a precedent is no longer valid and should not be followed?

Suggested answer: *Sample response: Occasionally, judges will decide that the precedent is no longer valid and should not be followed. They can handle this in two ways. They can simply ignore the earlier case and decide the case at hand as if there was no binding precedent, or they can overrule the earlier case. Often, the process of overruling a precedent is gradual. The court finds increased circumstances that distinguish new cases from the earlier case, until it becomes obvious that the precedent has outlived its usefulness. Former Supreme Court Justice William O. Douglas (1974) argued that this gradual erosion of precedent "breeds uncertainty" since "years of litigation may be needed to rid the law of mischievous decisions which should have fallen with the first of the series to be overruled."*

Q43. *[Essay] · Cognitive Domain: Comprehension*

Discuss the role of ratio decidendi and obiter dicta in establishing legal principle.

Suggested answer: *Sample response: Precedent establishes a legal principle, but not every pronouncement that a court makes in a ruling establishes precedent. Pronouncements that do are known as ratio decidendi ("the reason for the decision"), which is the legal principle or rationale used by the courts to arrive at their decisions. Additional supporting statements are called obiter dicta ("things said by the way") or simply dicta. These statements are other legal or nonlegal arguments used to support the ratio decidendi and do not constitute precedent.*

Q44. *[Essay] · Cognitive Domain: Comprehension*

What are the two primary roles played by the courts in the criminal justice system?

Suggested answer: *Sample response: The primary role played by the courts is to adjudicate criminal offenses—to process defendants who have been arrested by the police and formally charged with criminal offenses. Prosecutors decide who should be charged and then, provided a plea agreement does not circumvent trial, the defendant is brought to court. Courts, particularly the appellate courts, provide oversight, not just over the lower courts but over the criminal justice system in general. First, when cases are appealed to a higher level, the appellate court decides whether proper procedure was followed at the lower level. The appellate court may be asked to decide whether the procedures used to select the jury were appropriate, whether the defendant was denied effective assistance of counsel, or whether the trial court judge should have moved the case to another jurisdiction because of prejudicial pretrial publicity. The appellate decision may come months or even years after the trial that led to the appeal, but the very ability of the appellate court to influence what can happen or should have happened at the lower level is the essence of oversight.*

Q45. *[Essay] · Cognitive Domain: Comprehension*

How do judges make laws?

Suggested answer: *Sample response: Judges do not "make" laws, but they can influence the development of law through judicial decisions. Judges interpret the meaning and application of existing laws when deciding cases. Their interpretations can clarify ambiguities and set precedents for how laws are understood and applied in future cases.*

Q46. *[Essay] · Cognitive Domain: Knowledge*

What are the three irreducible elements of the rule of law according to Reichel?

Suggested answer: *Sample response: The rule of law requires a nation to recognize the supremacy of certain fundamental values and principles, these values and principles must be committed to writing, and a system of procedures that holds the government to these principles and values must be in place. The first element is relatively unproblematic; it is difficult to imagine a modern organized society not recognizing a set of fundamental values that they hold supreme. These ultimate principles may be secular or religious. The second element is also relatively unproblematic. Any culture possessing a written language would be expected to put such important guiding principles into writing so that all may refer to them. Documents containing these principles may be the culture's holy books or a nation's constitution. The third element is much more problematic because it determines whether a country honors its fundamental values in practice as well as in theory. It is a system of procedures that holds the government to the principles and values that must be in place.*

Q47. *[Essay] · Cognitive Domain: Comprehension*

What is arguably the most significant difference between the courts and other branches of government?

Suggested answer: *Sample response: Courts are different from the other branches of government in many ways, but perhaps the most significant difference is that courts are reactive—courts do not initiate cases but rather serve to settle controversies brought to them by others—plaintiffs and defendants, in legal parlance. This frequently involves the interpretation of statutes written by the legislature.*

Q48. *[Essay] · Cognitive Domain: Comprehension*

What is the goal of the crime control model?

Suggested answer: *Sample response: The goal of the crime control model is controlling crime, attempting to move cases through the justice process as swiftly as possible. Suspects who are "probably innocent" are screened out early in the process by police and prosecutors; those who are "probably guilty" are moved quickly and perfunctorily through the remaining stages in the process and are convicted, usually by a plea of guilty, as expeditiously as possible. Thus, the system achieves the goal of controlling crime by separating the innocent from the guilty early in the process, by extracting early guilty pleas from those who are not screened out by police and prosecutors, and by avoiding trials.*

Q49. *[Essay] · Cognitive Domain: Knowledge*

What is Marx's concept of false consciousness?

Suggested answer: *Sample response: The working class has accepted an ideological worldview that is contrary to their best interests. Workers have been duped into accepting the legitimacy of the law by the ruling classes and are not aware that the law does not serve them.*

Q50. *[Essay] · Cognitive Domain: Comprehension*

What are the two roles the courts play in the criminal justice system?

Suggested answer: *Sample response: One important and unique role the courts play in the criminal justice system is adjudication. This is the processing of defendants who have been arrested by the police and formally charged with criminal offenses. This is most prevalent in limited and general jurisdiction courts at the state level and in U.S. district courts at the federal level. The second role of the court is oversight. This is done by appellate courts having the ability to oversee the lower courts and the criminal justice system in general. The very ability of the appellate courts to influence what can happen or should have happened at the lower level is the essence of oversight. Appellate courts also provide oversight over the actions of other criminal justice officials (e.g., Tennessee v. Garner—the police).*

Q51. *[Essay] · Cognitive Domain: Analysis*

Explain the concept of judicial review. Why is judicial review important?

Suggested answer: *Sample response: Judicial review means the court has the power to examine a law and determine if it is constitutional. To determine if a law is constitutional, courts must examine the law and compare it to the Constitution. In doing so, the court must interpret both the language of the statute and the Constitution. Judicial review is important because it assigns the duty of interpreting the Constitution and applying it to fact situations to the judiciary. The courts must then decide if a law is in violation of the Constitution and, if so, to declare it invalid. Judicial review was established in the case of Marbury v. Madison (1863). Judicial review is important because it allows courts to evaluate the constitutionality of laws and government actions, ensuring that they comply with the principles outlined in the Constitution. IF a judge determines the law is constitutional, they uphold the law, if not, they declare it unconstitutional and therefore void.*

Q52. *[Essay] · Cognitive Domain: Analysis*

What are precedent and stare decisis? How do they work together? Why is it important for past judicial decisions to guide future cases?

Suggested answer: *Sample response: Every final decision by a court creates a precedent. Precedent governs the court issuing the decision and any lower or inferior courts in that jurisdiction. Stare decisis means "let the decision stand." Under the principle of stare decisis, if there is a prior decision on a legal issue that applies to a current case, the court will be guided by that prior decision and apply the same legal principles in the current case. In situations in which the law is ambiguous and the same issue has come up before, it makes sense to look to past decisions—that is, to precedent—to see how the matter has been resolved previously. Stare decisis is the principle behind establishing the value of prior decisions or precedent. Guiding future cases based on past judicial decisions is essential for consistency, predictability, fairness, and efficiency in the legal system. It ensures similar cases receive similar treatment, maintaining stability and public trust. Additionally, it helps the law evolve by adapting to new issues while reinforcing the legitimacy of the law.*

Q53. *[Essay] · Cognitive Domain: Analysis*

Compare and contrast the due process model and crime control model of criminal justice. Which one do you find most beneficial for the criminal justice system? Which do you believe we currently use in the criminal justice system?

Suggested answer: *Sample response: The due process and crime control models are both ideals of the criminal justice process created by Packer. The crime control model views the criminal justice system as an assembly line, while the due process model views it as an obstacle course. While the goal of the criminal justice system for the crime control model is controlling crime, protecting the rights of defendants is the goal of the due process model. The crime control model emphasizes values such as efficiency, speed, and finality, while the due process model emphasizes reliability. The crime control model relies on an informal process of adjudication by screening cases through police and prosecutors. The due process model has a more formal adjudication process and focuses on the issues surrounding the adversarial procedures of a case. Finally, the crime control model is more concerned with factual guilt, while the due process model is more concerned with legal guilt. I think the most effective approach is a balance of these two. Protecting individual rights is essential to uphold justice and prevent wrongful convictions, but maintaining public safety through efficient crime control measures is also crucial. The current criminal justice system reflects a blend of both models, with certain aspects emphasizing due process protections (i.e. Miranda rights, right to a fair trial) and others emphasizing crime control (i.e. plea bargaining, mandatory sentencing).*

Q54. *[Essay] · Cognitive Domain: Application*

Explain how law and justice are not identical. Provide an example of a law that is just and one that is not just.

Suggested answer: *Sample response: Law is a formal set of rules of conduct established by a governing authority to regulate the behavior of individuals and organizations within a society which are enforced by the imposition of penalties for their violation. The Americans with Disabilities Act (ADA) is a just law because it promotes fairness and equality by ensuring that individuals with disabilities receive reasonable accommodations and the same opportunities and rights as everyone else. Jim Crow laws, on the other hand, were unjust because they enforced racial segregation and discrimination under the facade of the "separate but equal" doctrine.*

Q55. *[Essay] · Cognitive Domain: Analysis*

Compare and contrast consensus and conflict theories of law. Which do you believe is the most important and why?

Suggested answer: *Sample response: Conflict and consensus theories are both perspectives on society and how laws interact with society. More specifically, the consensus theory emphasizes how society is structured to maintain stability and view it as an integrated network of institutions that function to maintain social order and the system. Stability is achieved through cooperation and shared values. Conflicts are temporary. Law is a just and necessary mechanism for controlling behavior. Law is seen as reflecting the community's deeply held values and is a legitimate expression of morality and custom. If coercion is needed, it is because the individual, not the law, is flawed. The law is followed out of respect and is willingly supported by all good people. The belief is that society is basically good. The conflict theory differs from the consensus in that it considers society to be composed of individuals and groups with sharply different interests and is characterized by conflict and dissention. People and groups seek to maximize their interests, and since resources are limited, conflict is inevitable and continuous. Social institutions function to maintain the privilege of the few and to keep the many subservient to them. The theory sees human nature as exploitive and asserts that the law functions to preserve the power and privilege of the most exploitive individuals. The law exists to settle conflicts and restore social peace, but conflicts are always settled in favor of the ruling class over the ruled. The working class accept a false consciousness (ideological worldview that is contrary to their best interests) that is generated by the ruling class. While both of these theories offer valuable insights into how society and laws interact, I believe that consensus theory is more important because it emphasizes the role of shared values and cooperation in maintaining social order and stability. It highlights how laws reflect the community's deeply held values and moral standards, promoting harmony and cooperation. This perspective is important for understanding how societies can function smoothly and how laws can be used to reinforce social cohesion.*