Criminal Law 12th Edition Samaha Test Bank

True / False

1. The criminal law is the only form of social control in our society.
    a. True
    b. False

ANSWER:	False
REFERENCES:	Crimes and Noncriminal Legal Wrongs
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.
KEYWORDS:	Bloom's: Remember

2. Crimes and torts are similar.
    a. True
    b. False

ANSWER:	False
REFERENCES:	Crimes and Noncriminal Legal Wrongs
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.
KEYWORDS:	Bloom's: Remember

3. Crimes punishable by more than a year of imprisonment are called felonies.
    a. True
    b. False

ANSWER:	True
REFERENCES:	Classifying Crimes
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate the legal and social ramifications of these labels.
KEYWORDS:	Bloom's: Remember

4. Case citations always follow the same order.
    a. True
    b. False

ANSWER:	True
REFERENCES:	The Text-Case Method
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS:	Bloom's: Remember

5. Criminal law is the only way to hold a person responsible for deviating from social norms.
    a. True
    b. False

ANSWER:	False
REFERENCES:	Crimes and Noncriminal Legal Wrongs
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.
KEYWORDS:	Bloom's: Remember

6. Determinists reject the free-will assumption that underlies retribution.

a. True

b. False

ANSWER:　　　　　　　　True

REFERENCES:　　　　　Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

KEYWORDS:　　　　　　Bloom's: Remember

7. Classical deterrence theory states that rational human beings won't commit crimes if they know that the pain of punishment outweighs the pleasure gained from committing crimes.

a. True

b. False

ANSWER:　　　　　　　　True

REFERENCES:　　　　　Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

KEYWORDS:　　　　　　Bloom's: Remember

8. The principle of utility permits only the minimum amount of pain necessary in order to prevent crime.

a. True

b. False

ANSWER:　　　　　　　　True

REFERENCES:　　　　　Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

KEYWORDS:　　　　　　Bloom's: Remember

9. Crimes and torts are similar in that both are sets of rules telling us what we can't do.

a. True

b. False

ANSWER:　　　　　　　　True

REFERENCES:　　　　　Crimes and Noncriminal Legal Wrongs

LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.

KEYWORDS:　　　　　　Bloom's: Remember

10. The majority opinion is the law of the case.

a. True

b. False

ANSWER:　　　　　　　　True

REFERENCES:　　　　　The Text-Case Method

LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.

KEYWORDS:　　　　　　Bloom's: Remember

11. After the adoption of the Model Penal Code in 1962, more than 40 states changed their criminal codes.
    a. True
    b. False

ANSWER: True

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

12. City, town, and village governments do not enjoy broad powers to create criminal laws.
    a. True
    b. False

ANSWER: False

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

13. To qualify as criminal punishment, penalties have to meet four criteria.
    a. True
    b. False

ANSWER: True

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.

KEYWORDS: Bloom's: Remember

14. Discretionary decisions are generally made in plain view.
    a. True
    b. False

ANSWER: False

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Understand

15. Incapacitation restrains convicted offenders from committing further crimes.
    a. True
    b. False

ANSWER: True

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

KEYWORDS: Bloom's: Remember

16. Most states have abolished common-law crimes.

a. True

b. False

ANSWER: True

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

17. Critics of rehabilitation argue that it is inhumane because the cure justifies administering large doses of drugs.

a. True

b. False

ANSWER: False

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

KEYWORDS: Bloom's: Remember

18. Most criminal law is found in the federal penal code.

a. True

b. False

ANSWER: False

REFERENCES: Criminal Law in the U.S. Federal System

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

19. The majority opinion lays out the established law of the case.

a. True

b. False

ANSWER: True

REFERENCES: The Text-Case Method

LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.

KEYWORDS: Bloom's: Remember

20. Case citations are summaries of a court's majority opinion.

a. True

b. False

ANSWER: False

REFERENCES: The Text-Case Method

LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.

KEYWORDS: Bloom's: Remember

21. Punishments differ widely among the states.

a. True

b. False

ANSWER:	True
REFERENCES:	Criminal Law in the U.S. Federal System
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.01 - To know the dual nature of the social reality of U.S. criminal law and understand how it reflects both our criminal law and punishment imaginations.
KEYWORDS:	Bloom's: Remember

22. Torts are private wrongs for which you can sue the party who wronged you and recover money.
    a. True
    b. False

ANSWER:	True
REFERENCES:	Criminal Law in the U.S. Federal System
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.01 - To know the dual nature of the social reality of U.S. criminal law and understand how it reflects both our criminal law and punishment imaginations.
KEYWORDS:	Bloom's: Remember

23. The distinction between criminal punishment and treatment is always clear-cut.
    a. True
    b. False

ANSWER:	False
REFERENCES:	Criminal Punishment in U.S. Society
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.
KEYWORDS:	Bloom's: Remember

24. Criminal liability is conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests.
    a. True
    b. False

ANSWER:	True
REFERENCES:	Sources of Criminal Law
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS:	Bloom's: Remember

25. The burden of proof for crimes is different than the burden of proof for torts.
    a. True
    b. False

ANSWER:	True
REFERENCES:	Crimes and Noncriminal Legal Wrongs
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.
KEYWORDS:	Bloom's: Remember

26. The defenses to crime are the same across state lines.
    a. True
    b. False

ANSWER: False

REFERENCES: Criminal Law in the U.S. Federal System

LEARNING OBJECTIVES: CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.

KEYWORDS: Bloom's: Remember

27. Crimes and torts represent two different ways our legal system responds to social and individual harm.
    a. True
    b. False

ANSWER: True

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.

KEYWORDS: Bloom's: Remember

28. State codes frequently use different names for crimes than common law.
    a. True
    b. False

ANSWER: False

REFERENCES: Crimes and Noncriminal Legal Wrongs

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

29. Violations of federal and state agency rules are called administrative crimes.
    a. True
    b. False

ANSWER: True

REFERENCES: Crimes and Noncriminal Legal Wrongs

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

30. Proving criminal conduct is necessary to impose criminal liability and punishment.
    a. True
    b. False

ANSWER: True

REFERENCES: Criminal Law in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.01 - To know the dual nature of the social reality of U.S. criminal law and understand how it reflects both our criminal law and punishment imaginations.

KEYWORDS: Bloom's: Remember

Multiple Choice

31. What is hard punishment?
    a. a sentence of a year or more in prison
    b. incarceration for any length of time

c. the period of time following incarcerationC

d. punishment during the early 20th century

ANSWER: a

REFERENCES: Criminal Law in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.

KEYWORDS: Bloom's: Remember

32. Private wrongs for which you can sue the party who wronged you and recover money are known as

    a. torts.

    b. misdemeanors.

    c. regulatory violations.

    d. *mala prohibitum* offenses.

ANSWER: a

REFERENCES: Crimes and Noncriminal Legal Wrongs

LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.

KEYWORDS: Bloom's: Remember

33. Who has the burden of proof regarding criminal conduct?

    a. the judge

    b. the jury

    c. the defense

    d. the prosecution

ANSWER: d

REFERENCES: Criminal Law in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.01 - To know the dual nature of the social reality of U.S. criminal law and understand how it reflects both our criminal law and punishment imaginations.

KEYWORDS: Bloom's: Remember

34. Crimes that are inherently evil and require some level of criminal intent are called

    a. misdemeanors.

    b. *mala prohibita*,

    c. dual crimes.

    d. *mala in se*.

ANSWER: d

REFERENCES: Classifying Crimes

LEARNING OBJECTIVES: CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate the legal and social ramifications of these labels.

KEYWORDS: Bloom's: Remember

35. An offense which is punishable by one year or more in a state prison is called a

    a. common-law crime.

    b. code offense.

    c. misdemeanor.

    d. felony.

ANSWER: d

36. What thought process says that human beings seek pleasure and avoid pain?
    a. rationalism
    b. hedonism
    c. minimalization
    d. rationalization

ANSWER: b
REFERENCES: Criminal Punishment in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.
KEYWORDS: Bloom's: Remember

37. Which of the following is true of torts?
    a. They only apply to low-income persons.
    b. They tell us what we can't do.
    c. Consequences include incarceration.
    d. They address only misdemeanor crimes.

ANSWER: b
REFERENCES: Crimes and Noncriminal Legal Wrongs
LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.
KEYWORDS: Bloom's: Remember

38. The criminal law imagination refers to the contributions of law, history, philosophy, the social sciences, and sometimes biology to explain:
    a. the moral desires we wish to impose on the world
    b. the moral desires we wish to impose on the poor
    c. the moral desires we wish to impose on the uneducated
    d. none of these answers is correct

ANSWER: a
REFERENCES: Criminal Law in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.01 - To know the dual nature of the social reality of U.S. criminal law and understand how it reflects both our criminal law and punishment imaginations.
KEYWORDS: Bloom's: Remember

39. To obtain a conviction, the prosecution must prove every element of the offense
    a. by a preponderance of the evidence.
    b. beyond a reasonable doubt.
    c. by showing probable cause.
    d. beyond a shadow of a doubt.

ANSWER: b
REFERENCES: Criminal Law in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.01 - To know the dual nature of the social reality of U.S. criminal law

and understand how it reflects both our criminal law and punishment imaginations.

KEYWORDS: Bloom's: Remember

40. Which of the following is not one of the criteria required for criminal punishment?
   a. The penalty inflicts pain or unpleasant consequences.
   b. The penalty inflicts pain that is perceived by the public to be appropriate.
   c. The penalty is administered intentionally.
   d. The penalty inflicts enough pain so the offender experiences the full extent of society's disapproval.

ANSWER: d
REFERENCES: Criminal Punishment in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.
KEYWORDS: Bloom's: Remember

41. Which theory of crime focuses on an 'eye for an eye' mentality and emphasizes on getting even?
   a. retribution
   b. rehabilitation
   c. general deterrence
   d. incapacitation

ANSWER: a
REFERENCES: Criminal Punishment in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.
KEYWORDS: Bloom's: Remember

42. The theory of punishment that includes the idea that it is right to hate criminals and they deserve to be punished proportionate to the harm they have done is the theory of
   a. incapacitation.
   b. special deterrence.
   c. retribution.
   d. general deterrence.

ANSWER: c
REFERENCES: Criminal Punishment in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.
KEYWORDS: Bloom's: Remember

43. The police decision to investigate or not is an example of what kind of decision making?
   a. indiscriminate
   b. discretionary
   c. political
   d. appropriate

ANSWER: b
REFERENCES: Sources of Criminal Law
LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal

law.

KEYWORDS: Bloom's: Remember

44. Core felonies include which of the following?

    a. murder

    b. manslaughter

    c. rape

    d. all of these are core felonies

ANSWER: d

REFERENCES: Criminal Law in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate the legal and social ramifications of these labels.

KEYWORDS: Bloom's: Remember

45. Two assumptions underlie rehabilitation theory. The first assumption is that forces beyond offenders' control cause them to commit crimes. The second assumption is that

    a. criminal behavior is primarily a medical problem that can be cured with the correct drugs.

    b. rehabilitation requires long-term incarceration and intense treatment.

    c. therapy by experts can change offenders (not just their behavior) so that they won't want to commit any more crimes.

    d. sometimes the cure for criminality involves large doses of pain.

ANSWER: c

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

KEYWORDS: Bloom's: Remember

46. Plaintiffs in tort cases can recover what kind of damages?

    a. compensatory and punitive damages

    b. compensatory damages

    c. punitive damages

    d. emotional damages

ANSWER: a

REFERENCES: Crimes and Noncriminal Legal Wrongs

LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.

KEYWORDS: Bloom's: Remember

47. What is the category of crimes that are punishable by death or confinement in the state's prison for one year to life without parole?

    a. larcenies

    b. non-capital crimes

    c. misdemeanors

    d. felonies

ANSWER: d

REFERENCES: Classifying Crimes

LEARNING OBJECTIVES: CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate the legal and social ramifications of these labels.

KEYWORDS: Bloom's: Remember

48. Criminal law is only *one* kind of
    a. social norm.
    b. social control.
    c. social event.
    d. informal control.

ANSWER: b

REFERENCES: Crimes and Noncriminal Legal Wrongs

LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.

KEYWORDS: Bloom's: Remember

49. What does it mean to "codify" criminal law?
    a. written definitions of crimes and punishment enacted by legislatures and published
    b. to make it constitutional
    c. to convert it to computer code
    d. to write it into all languages

ANSWER: a

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

50. Which of the following power(s) lower the cost of convicting criminal defendants?
    a. the power to incarcerate
    b. the power to increase sentencing
    c. issue consecutive sentences
    d. the power to charge and to plea bargain

ANSWER: d

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

51. Where is most criminal law found?
    a. state criminal codes
    b. federal criminal codes
    c. city criminal codes
    d. county criminal codes

ANSWER: a

REFERENCES: Criminal Law in the U.S. Federal System

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

52. What document represents the American Law Institute's commitment to abolish common law?
    a. the U.S. Constitution
    b. the U.S. Criminal Code
    c. the "medical model" code
    d. the Model Penal Code

ANSWER: d
REFERENCES: Criminal Law in the U.S. Federal System
LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS: Bloom's: Remember

53. When professionals make judgments based on their education, training, and experience, this is called
    a. discretionary decision making.
    b. biased decision making.
    c. affirmative decision making.
    d. productive decision making.

ANSWER: a
REFERENCES: Sources of Criminal Law
LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS: Bloom's: Remember

54. What country is the leader in world imprisonment rates?
    a. Russia
    b. United States
    c. China
    d. Canada

ANSWER: b
REFERENCES: Criminal Punishment in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.
KEYWORDS: Bloom's: Remember

55. Justice is a philosophical concept whose application depends on
    a. guilt.
    b. innocence.
    c. complicity.
    d. culpability.

ANSWER: d
REFERENCES: Criminal Punishment in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.
KEYWORDS: Bloom's: Remember

56. Which of the following crimes could be classified as *mala in se*?
    a. parking tickets

b. drinking in public

c. rape

d. loitering

ANSWER:	c
REFERENCES:	Classifying Crimes
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate the legal and social ramifications of these labels.
KEYWORDS:	Bloom's: Apply

57. Crimes and torts are similar in which of the following ways?

a. The standard of proof for both is beyond a reasonable doubt.

b. They both apply only to economic wrongs.

c. They both apply only to criminals.

d. They both tell us what we can and can't do.

ANSWER:	d
REFERENCES:	Crimes and Noncriminal Legal Wrongs
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.
KEYWORDS:	Bloom's: Remember

58. Which of the following is not true of a felony crime?

a. A felony is more serious than a misdemeanor.

b. A felony is punishable by death or an imprisonment of more than one year.

c. A felony is never punished by imprisonment.

d. Felony defendants must always be in court for their trials.

ANSWER:	c
REFERENCES:	Criminal Law in U.S. Society
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.01 - To know the dual nature of the social reality of U.S. criminal law and understand how it reflects both our criminal law and punishment imaginations.
KEYWORDS:	Bloom's: Remember

59. Administrative crimes

a. do not exist because agencies do not have the power to enact rules.

b. can only be enacted by federal agencies.

c. are no longer a significant source of criminal law.

d. are a rapidly growing source of law.

ANSWER:	d
REFERENCES:	Sources of Criminal Law
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS:	Bloom's: Remember

60. What type of courts hear appeals?

a. trial courts

b. traffic courts

c. appellate courts

d. only the U.S. Supreme Court

61. The appellant is the party who
    a. is appealing to ensure their victory in the court below.
    b. is appealing to overturn an unfavorable decision.
    c. has had an appeal filed against them.
    d. has not filed the charges against the appellee.

ANSWER: b
REFERENCES: The Text-Case Method
LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS: Bloom's: Remember

62. The legal rule the court has decided to apply to the facts of the cases is called the
    a. issue.
    b. holding.
    c. result.
    d. reasoning.

ANSWER: b
REFERENCES: The Text-Case Method
LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS: Bloom's: Remember

63. If an appellate court affirms the decision of the court immediately below, this means that the lower court's decision is
    a. upheld.
    b. overturned.
    c. questioned.
    d. not considered.

ANSWER: a
REFERENCES: The Text-Case Method
LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS: Bloom's: Remember

64. When an appellate court overturns the decision of a trial court and sends the case back for further proceedings in accord with its decision, the appeals court has
    a. reversed the trial court's decision.
    b. affirmed the trial court's decision.
    c. reversed and remanded the trial court's decision.
    d. declined the trial court's decision.

ANSWER: c
REFERENCES: The Text-Case Method

65. In the citation 319 N.W. 2d 459, the number 459 represents the
    a. volume number.
    b. page where the opinion begins in a volume.
    c. date the decision was handed down.
    d. date the case was argued.

ANSWER: b

REFERENCES: The Text-Case Method

LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.

KEYWORDS: Bloom's: Remember

66. Which of the following is part of a case excerpt?
    a. reference
    b. citation
    c. source
    d. conclusion

ANSWER: b

REFERENCES: The Text-Case Methods

LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.

KEYWORDS: Bloom's: Remember

67. Criminal law is established by which of the following?
    a. elected representatives
    b. administrative agencies
    c. judges
    d. all of these establish criminal law

ANSWER: d

REFERENCES: Sources of Criminal Lawc

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

68. Theories of criminal punishment are divided primarily into two schools of thought:
    a. legislative and reductionist
    b. inductive and deductive
    c. reactive and proactive
    d. retributionist and preventionist

ANSWER: d

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

69. What may be the most important consequence of mass incarceration?

    a. the massive expansion of the criminal justice system into the country's poorest communities

    b. the massive reduction of the criminal justice system into the country's poorest communities

    c. the massive inclusion of the criminal justice system into the country's school systems

    d. the massive lack of training in the criminal justice system

ANSWER: a

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.

KEYWORDS: Bloom's: Remember

70. What does proportionality mean?

    a. Confinement should be only what is necessary to achieve the goals of the sentencing policy.

    b. Criminal offenses should be sentenced according to their seriousness.

    c. Prisons should be instruments of justice.

    d. Imprisonment should not violate one's status as a community member.

ANSWER: b

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.05 - To define and understand what behavior deserves criminal punishment and to understand the social consequences of the era of mass imprisonment.

KEYWORDS: Bloom's: Remember

71. Who did legal reformers believe should make laws?

    a. judges

    b. presidents

    c. legislatures

    d. sheriffs

ANSWER: c

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

72. What are some of the reasons that the American Law Institute created the Model Penal Code?

    a. clarification and simplification

    b. classification and institutionalization

    c. organization classification

    d. clarification and institutionalization

ANSWER: a

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.

KEYWORDS: Bloom's: Remember

73. When state and municipal code provisions conflict, which one is supposed to take precedence?

a. state codes

b. municipal codes

c. depends on the crime

d. neither, the federal government will step in

ANSWER: a

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal
law.

KEYWORDS: Bloom's: Remember

74. Although municipalities have broad power, they are limited in which of the following ways?

a. they must abide by the constitution

b. they cannot create misdemeanors

c. federal statutory law

d. city law preempts municipality law

ANSWER: a

REFERENCES: Sources of Criminal Law

LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal
law.

KEYWORDS: Bloom's: Remember

75. The idea that only by inflicting physical and psychological pain as punishment can offenders pay for their crimes refers to which purpose of punishment?

a. retribution

b. prevention

c. deterrence

d. incapacitation

ANSWER: a

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal
punishment center on either retribution or prevention and to appreciate the large, complex
body of empirical research supporting each.

KEYWORDS: Bloom's: Remember

Case 1.1

Stan robs a woman while she is walking home from work. Police later identify Stan as the robber and he is arrested. Stan is found guilty of robbery and is sentenced to one year in jail. During sentencing the judge notes that his reasoning for the sentence is that being in jail will keep Stan from robbing any other people and he wants to set an example for others.

76. The reasoning of the judge for sentencing Stan is an example of which of the following?

a. informal discretionary decision making

b. formal criminal processing

c. judicial lawmaking

d. all of these answers are correct

ANSWER: a

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal
punishment center on either retribution or prevention and to appreciate the large, complex

body of empirical research supporting each.

KEYWORDS: Bloom's: Understand

77. Preventing Stan from committing other robberies by putting him in jail is an example of what purpose for punishment?
     a. special deterrence
     b. general deterrence
     c. retribution
     d. incapacitation

ANSWER: d

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

KEYWORDS: Bloom's: Remember

78. Punishing Stan as an example for other is an example of what purpose for punishment?
     a. special deterrence
     b. general deterrence
     c. retribution
     d. incapacitation

ANSWER: b

REFERENCES: Criminal Punishment in U.S. Society

LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.

KEYWORDS: Bloom's: Remember

Case 1.2
Sally is accused of stealing some checks from her boss. She is found not guilty of any criminal wrong at trial. Her boss sues her and receives a judgment ordering Sally to pay her for the amount lost from the stolen checks.

79. Sally's boss received a judgment for money because of what difference between criminal and noncriminal wrongs?
     a. The burden of proof is higher for criminal wrongs than for noncriminal wrongs.
     b. The burden of proof is lower for criminal wrongs than for noncriminal wrongs.
     c. The burden of proof is equal for criminal wrongs than for noncriminal wrongs.
     d. None of these answers is correct.

ANSWER: a

REFERENCES: Crimes and Noncriminal Legal Wrongs

LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.

KEYWORDS: Bloom's: Remember

80. Of the following categories, what one can we say with certainty is an appropriate classification for the theft of the checks?
     a. *mala in se*
     b. *mala prohibita*
     c. misdemeanor

d. felony

ANSWER:	b
REFERENCES:	Classifying Crimes
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate the legal and social ramifications of these labels.
KEYWORDS:	Bloom's: Remember

Case 1.3

John works in a legal office. His boss asks him to review the following case: *Miranda v. Arizona*, 384 U.S. 436 (1966).

81. What portion of the citation tells John what reporter to look in to find the case?
    a. *Miranda v. Arizona*
    b. 384
    c. U.S.
    d. 436

ANSWER:	c
REFERENCES:	The Text-Case Method
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS:	Bloom's: Apply

82. What information would John use to determine the volume where the case is located?
    a. *Miranda v. Arizona*
    b. 384
    c. U.S.
    d. 436

ANSWER:	b
REFERENCES:	The Text-Case Method
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS:	Bloom's: Apply

83. What information would John use to determine the page where the case is located?
    a. *Miranda v. Arizona*
    b. 384
    c. U.S.
    d. 436

ANSWER:	d
REFERENCES:	The Text-Case Method
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS:	Bloom's: Apply

Case 1.4

California penal code section 240–241 states:

240. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.
241. (a) An assault is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

84. Section 240 is an example of
    a. the general part of criminal law.
    b. the special part of criminal law.
    c. a case opinion.
    d. the facts of criminal law.

ANSWER: b
REFERENCES: Classifying Crimes
LEARNING OBJECTIVES: CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate
                       the legal and social ramifications of these labels.
KEYWORDS: Bloom's: Apply

85. Section 241 identifies assault as what kind of crime?
    a. felony
    b. misdemeanor
    c. *mala in se*
    d. *mala prohibita*

ANSWER: b
REFERENCES: Classifying Crimes
LEARNING OBJECTIVES: CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate
                       the legal and social ramifications of these labels.
KEYWORDS: Bloom's: Remember

Completion

86. Retributionists contend that punishment benefits not only _____ but also criminals.
ANSWER: society
REFERENCES: Criminal Punishment in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal
                       punishment center on either retribution or prevention and to appreciate the large, complex
                       body of empirical research supporting each.
KEYWORDS: Bloom's: Remember

87. Criminal prosecutions are brought by the _____ against individuals.
ANSWER: state
REFERENCES: Crimes and Noncriminal Wrongs
LEARNING OBJECTIVES: CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal
                       sanctions, and to know the purposes of each.
KEYWORDS: Bloom's: Remember

88. Municipal ordinances often _____ and overlap state criminal code provisions.
ANSWER: duplicate
REFERENCES: Sources of Criminal Law
LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal
                       law.
KEYWORDS: Bloom's: Remember

89. Criminal law is established by _____ representatives.
ANSWER: elected

REFERENCES: Sources of Criminal Law
LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS: Bloom's: Remember

90. Rehabilitation borrows from the " _____ model" of criminal law.
ANSWER: medical
REFERENCES: Criminal Punishment in U.S. Society
LEARNING OBJECTIVES: CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.
KEYWORDS: Bloom's: Remember

91. The text case method stimulates you to think_____about legal principles and their application.
ANSWER: critically
REFERENCES: The Text-Case Method
LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS: Bloom's: Remember

92. In case citations, the_____number always comes before the title of a reporter and the page always comes immediately after the title.

ANSWER: volume
REFERENCES: The Text-Case Method
LEARNING OBJECTIVES: CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS: Bloom's: Remember

93. Both federal and state legislatures frequently grant_____agencies the authority to make rules.
ANSWER: administrative
REFERENCES: Sources of Criminal Law
LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS: Bloom's: Remember

94. Criminal law enforcement agencies create law through_____discretionary law making.
ANSWER: informal
REFERENCES: Sources of Criminal Law
LEARNING OBJECTIVES: CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS: Bloom's: Remember

95. Crime that is inherently wrong or evil, like murder and rape, is called_____*mala*
ANSWER: *in se*
REFERENCES: Classifying Crimes
LEARNING OBJECTIVES: CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate the legal and social ramifications of these labels.
KEYWORDS: Bloom's: Remember

Essay

96. Explain the purposes or rationales for punishment and the arguments in favor of each rationale. Include a discussion about current trends in punishment.

ANSWER:	There are two primary rationales for criminal punishment: retribution and prevention. Retribution looks to past crimes and assumes that criminals exercised their free will and chose to break the law. According to this theory, punishment is just desserts. Prevention is forward-looking and is designed to prevent future crimes. The prevention rationale includes general and specific deterrence, incapacitation, and rehabilitation. Since the mid-1980s, criminal justice reformers have emphasized retribution and punishment as the most important rationales.
REFERENCES:	Criminal Punishment in U.S. Society
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.06 - To know and understand that the main theories of criminal punishment center on either retribution or prevention and to appreciate the large, complex body of empirical research supporting each.
KEYWORDS:	Bloom's: Apply

97. Compare, contrast, and discuss the similarities and differences between crimes and torts.

ANSWER:	Crimes and torts represent two different ways our legal system responds to social and individual harm. Torts are private wrongs for which you can sue the party who wronged you and recover money. Crime and torts have some similarities. Both are sets of rules telling us what we can't do and what we must do. Both apply to everyone, speak for everyone, and have the whole community behind them. The power of the law backs the enforcement of both. Differences include that criminal prosecutions are brought by the state, whereas torts are pursued by a private party. In criminal prosecutions, money is paid by convicted offenders to the state; in torts, money is paid by defendants who lose to the plaintiff. Criminal conviction involves condemnation by the entire community; torts compensate the plaintiff. The standard of proof is higher in a criminal case (beyond a reasonable doubt) than in a tort.
REFERENCES:	Crimes and Noncriminal Legal Wrongs
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.
KEYWORDS:	Bloom's: Understand

98. Explain the text-case method including the reason for its name. Also explain the two reasons for applying criminal principles and definitions to specific cases.

ANSWER:	The "text-case method" is part text and part excerpts from criminal law cases specially edited for nonlawyers. The text part of the book explains the general principles of criminal law and the definitions of specific crimes. The case excerpts involve real-life crimes that apply the general information in the text to real-life situations. The application of principles and definitions of crimes to the facts of specific cases serves two important purposes. First, it helps you understand the principles and the elements of specific crimes. Second, it stimulates you to think critically about the principles and their application.
REFERENCES:	The Text-Case Method
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS:	Bloom's: Apply

99. Define, describe, compare, and contrast common-law crimes and statutory crimes. Be sure to provide examples.

ANSWER:	Common-law crimes are made by judges; statutory crimes are made by legislature. Over time most jurisdictions have moved away from common-law to statutory crimes. Many crimes are both common-law and statutory crimes (murder, rape). Common-law crimes create problems

of due process and fair notice; statutory crimes do not.

REFERENCES:	Sources of Criminal Law
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS:	Bloom's: Apply

100. It would be inappropriate to refer to "criminal law," as if it were a singular entity. Why is this? Discuss all that "criminal law" really includes in the United States.

ANSWER:	In our federal system, there are 52 criminal codes—one for each state, the District of Columbia, and the federal government. Most of the criminal law reside in the state criminal codes and involve crimes against persons, property, public order, and morals. Each of the 52 codes defines specific crimes and their punishments to be applied to the people who commit crimes within their respective jurisdictions. There are some significant differences in both the definitions of crimes and the punishments from state to state. This diversity, however, should not obscure the fact that there are more similarities than differences.
REFERENCES:	Criminal Law in the U.S. Federal System
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.01 - To know the dual nature of the social reality of U.S. criminal law and understand how it reflects both our criminal law and punishment imaginations.
KEYWORDS:	Bloom's: Understand

101. What is informal discretionary decision making? In what ways does informal discretionary decision making affect the criminal justice process?

ANSWER:	Informal discretionary decision making includes judgments made by professionals, based on unwritten rules, their training, and their experience. It affects the criminal justice process at every decision point, from the discretion a police officer uses in deciding whether to arrest a suspect or not to the sentencing by the judge in court. Discretion allows flexibility in the implementation of rigid, formal criminal codes.
REFERENCES:	Sources of Criminal Law
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS:	Bloom's: Apply

102. What behavior deserves criminal punishment? Explain the purposes of criminal punishment (deterrence, incapacitation, rehabilitation).

ANSWER:	Behavior that deserves criminal punishment includes conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests. General deterrence seeks to prevent the general population from committing crimes through the threat of punishment. Special deterrence seeks to prevent convicted offenders from committing future crimes through punishment. Incapacitation prevents convicted criminals from committing crimes by locking them up or otherwise making it impossible to commit another crime. Rehabilitation sees criminals as sick and attempts to prevent future crimes by providing offenders with treatment.
REFERENCES:	Crimes and Noncriminal Legal Wrongs
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.02 - To understand the differences between criminal and noncriminal sanctions, and to know the purposes of each.
KEYWORDS:	Bloom's: Understand

103. Identify the different sources of criminal law. Explain the different processes each source uses to establish criminal law.

ANSWER:	Criminal law is established by elected representatives (e.g., state legislatures, city and town councils, U.S. Congress), administrative agencies (e.g., IRS tax regulations, vehicle safety

standards of the state highway patrol), judges, and informal discretionary decision making by police, prosecutors, and other criminal justice professionals. Elected representatives use legislation to establish criminal law, administrative agencies use rules, judges use case outcomes, and law enforcement agencies use informal discretionary decision making.

REFERENCES:	Sources of Criminal Law
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.04 - To identify, describe, and understand the main sources of criminal law.
KEYWORDS:	Bloom's: Apply

104. Discuss the different ways that crimes can be classified. What are the different legal and social consequences of these labels?

ANSWER:	Crimes can be classified in various ways. One scheme divides crime into two categories: *mala in se* and *mala prohibita*. *Mala in se* crimes are inherently evil and require some level of criminal intent. *Mala prohibita* offenses are crimes only because a specific statute or ordinance bans them. Another scheme, and the one that's most widely used, classifies crimes according to the kind and quantity of punishment. Felonies are crimes punishable by death or confinement in the state's prison for one year to life without parole, while misdemeanors are punishable by fine and/or confinement in the local jail for up to one year. These labels carry different legal and societal consequences. The legal consequences of felony convictions last after punishment. In many states, former felons can't vote, can't serve in public office, can't work in certain occupations and professions, and can't be attorneys. A felony conviction also can be a ground for divorce.
REFERENCES:	Classifying Crimes
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.03 - To understand the various ways to classify crimes and appreciate the legal and social ramifications of these labels.
KEYWORDS:	Bloom's: Understand

105. The main parts of a case include title, citation, procedural history, judge, facts, judgment, and opinion. Explain what each of these parts includes as well as how reading cases in the text can help to better understand the law.

ANSWER:	The case title consists of the names of the parties in the case. The citation tells you where to find the case. The case history is a brief description of the steps and judgments made by each court that has heard the case. The judge includes the name of the judge who wrote the opinion and issues the judgment. The facts are the facts of the case. The judgment is how the court disposed of the case. The opinion explains how and why the court applied the law to the facts of the case. Reading cases help you understand the principles and the elements of specific crimes and think critically about the principles and their applications. Cases may also include concurrences and/or dissents. In concurring opinions, justices agree with the conclusions of either the majority or the dissenting opinion, but they have different reasons for reaching the conclusion. Dissenting opinions present a plausible alternative to the majority opinion.
REFERENCES:	The Text-Case Method
LEARNING OBJECTIVES:	CRLW.SAMA.17.01.07 - To understand the text-case method and how to apply it to the study of criminal law.
KEYWORDS:	Bloom's: Understand