

PART III
TEST BANK

CHAPTER 1

1. Which of the following is not true about the distinction between civil and criminal law?
 - a. A purpose of civil law is to compensate individuals for injuries caused by others.
 - b. A purpose of criminal law is to deter future misconduct.
 - c. A purpose of civil law is to punish individuals for misconduct.
 - d. A purpose of criminal law is to punish individuals for misconduct.

2. A court of record is one that
 - a. maintains a comprehensive filing system.
 - b. keeps verbatim records of its hearings and trials.
 - c. maintains docket sheets.
 - d. is an intermediate level appellate court and above.

3. Judicial review is best defined as
 - a. a review of a trial court's actions by an appellate court.
 - b. the authority of a court to hear a case.
 - c. an evaluation of a judge's behavior by a judicial disciplinary panel.
 - d. the power of the judicial branch to review the actions of the executive and legislative branches.

4. Separation of powers refers to
 - a. the division of power between the federal government and the states.
 - b. the division of power between the executive, legislative, and judicial branches of government.
 - c. the division of power between the two levels of courts: the trial and the appellate.
 - d. the division of power between the various law enforcement agencies of the federal government.

5. Which of the following best describes the responsibility of the executive branch in criminal law?
 - a. The detection, investigation, and prosecution of criminals
 - b. The determination of what behavior is criminal
 - c. The creation of written law prohibiting behavior found to be dangerous or undesirable by society
 - d. The trial of alleged criminals

6. A court of general jurisdiction has the authority to hear
 - a. all cases arising under state law, whether civil or criminal.
 - b. all criminal cases arising under state law.
 - c. all civil cases arising under state law.
 - d. all civil cases or all criminal cases arising under state law.
7. The burden of proof in most civil cases is
 - a. preponderance of the evidence.
 - b. clear and convincing evidence.
 - c. beyond a reasonable doubt.
 - d. beyond a shadow of a doubt.
8. The burden of proof in criminal cases is
 - a. preponderance of the evidence.
 - b. clear and convincing evidence.
 - c. beyond a reasonable doubt.
 - d. beyond a shadow of a doubt.
9. Which of the following is the least desirable goal of criminal law?
 - a. Deterrence
 - b. Retribution
 - c. Incapacitation
 - d. Rehabilitation
10. In what case did the U.S. Supreme Court hold that due process expects punitive damages to be reasonable, considering: (1) the degree of reprehensibility of conduct, (2) the disparity between actual harm and the punitive award, and (3) a comparison of the award to similar civil or criminal penalties?
 - a. *State Farm v. Campbell*
 - b. *Exxon Shipping Co. v. Baker*
 - c. *Phillip Morris U.S.A. v. Williams*
 - d. *BMW v. Gore*
11. T or F: The Framers of the United States Constitution intended for the federal government to hold most governmental powers.
12. T or F: The constitutional prohibition of double jeopardy was intended to preclude two trials or punishments by the same jurisdiction, not by multiple jurisdictions.
13. T or F: Most law-enforcement activities in the United States are performed by federal officers.

14. T or F: A person who commits a battery may be held liable in both civil and criminal courts.
15. T or F: The Supreme Court of the United States agrees to hear only a small percentage of the cases appealed to it.
16. T or F: Punitive damages may be awarded only in criminal cases.
17. T or F: Only the government may file criminal charges.
18. T or F: The Tenth Amendment to the United States Constitution grants certain rights to the states and reserves all other rights for the federal government.
19. T or F: A person injured by another's negligence may sue in tort law.
20. T or F: Criminal law involves delicate balancing between civil liberties and the need to protect society.
21. The United States is divided into two sovereign forms of government. What are these forms? Identify the two terms that are commonly used to identify this division of power.
22. What is a sidebar in a trial? What is its purpose?
23. Under what circumstances does concurrent jurisdiction exist?
24. Oscar hired a contractor to build a new carport outside his home. The contractor took full payment, worked one day, and then never returned. She is not responding to any of Oscar's phone messages or emails. Would this case be easier to prove as a civil case or as a criminal case? Explain.
25. Why did the Supreme Court invalidate the Gun-Free Zone Act of 1990? Why was the Brady Handgun Protection Act invalidated in *Printz v. United States* in 1997?
26. Identify four purposes of punishing those who violate criminal law.

CHAPTER 2

1. As a field of law, criminal law defines
 - a. the process of law enforcement.
 - b. the rights of those accused of criminal conduct.
 - c. what a crime is.
 - d. the procedure for defending against a criminal accusation.
2. Vital to the existence of common law is the concept of
 - a. federalism.
 - b. stare decisis.

PART III
TEST BANK ANSWERS

CHAPTER 1

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| 1. C | 6. A | 11. F | 16. F |
| 2. B | 7. A | 12. T | 17. T |
| 3. D | 8. C | 13. F | 18. F |
| 4. B | 9. B | 14. T | 19. T |
| 5. A | 10. D | 15. T | 20. T |

21. The forms are the government of the United States and the governments of the many states—commonly known as federalism and vertical division of power.
22. A sidebar is a meeting between the attorneys and the judge. It is held at the judge's bench—outside the hearing of the jury. The purpose of the sidebar is to allow the judge and the attorneys to engage in the discussion of legal issues, discussions that the jury is not permitted to hear.
23. Concurrent jurisdiction exists when two or more jurisdictions or courts possess authority over the same matter.
24. This case would be easier to prove as a civil case. To prove a criminal case, it would be required to prove—beyond a reasonable doubt—that the contractor took the money and never intended to do the work. This proof issue becomes more difficult once the contractor has completed some of the work. The goal of the criminal case would be criminal punishment of the contractor. To prove a civil case, Oscar would have to prove—by a preponderance of the evidence—that the contractor took the money and then breached the agreement to complete the work. The goal would be to compensate Oscar for his loss.
25. The Supreme Court invalidated the Gun-Free Zone Act of 1990 because it found no genuine connection between guns around schools and interstate commerce. It invalidated the Brady Handgun Protection Act because the act required state officials to conduct background checks on gun purchasers; the Court held that Congress did not have the authority to direct local enforcement officers in this way.
26. These purposes are: specific and general deterrence, incapacitation, rehabilitation, and retribution.