

True / False

1. The Eighth Amendment of the US Constitution, ratified in 1791 as part of the Bill of Rights, provides that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

- a. True
- b. False

ANSWER: True

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.01 - 08.01 - Know the text of the Cruel and Unusual Punishment Clause

KEYWORDS: Bloom’s: Remember

2. Corporal punishment in public schools violates the Eighth Amendment.

- a. True
- b. False

ANSWER: False

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom’s: Remember

3. In 1972, the Supreme Court, in *Furman v. Georgia*, invalidated all existing state death penalty laws.

- a. True
- b. False

ANSWER: True

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.05 - 08.05 - Explain why the death penalty was declared unconstitutional in *Furman v. Georgia*

KEYWORDS: Bloom’s: Remember

4. The death penalty may not be imposed upon a person determined to be insane.

- a. True
- b. False

ANSWER: True

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.06 - 08.06 - Identify at least three groups of persons who cannot be given the death penalty

KEYWORDS: Bloom’s: Remember

5. The *Apprendi* opinion caused many changes in sentencing procedures and also resulted in many reversals of sentences handed down by trial judges.

- a. True
- b. False

ANSWER: True

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom’s: Remember

6. *Blakely v. Washington*, 124 S. Ct. 2531 (2004), applied the reasoning of *Apprendi* to state sentencing systems.

- a. True
- b. False

ANSWER: True

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

7. A defendant ordered to serve two years concurrently for conviction of two counts of a crime must serve the sentences one after the other, for a total of four years.

- a. True
- b. False

ANSWER: False

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.03 - 08.03 - State the present status of the Federal Sentencing Guidelines

KEYWORDS: Bloom's: Remember

8. A long criminal record would be an aggravating factor while no previous criminal record would be a mitigating factor.

- a. True
- b. False

ANSWER: True

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.08 - 08.08 - Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged

KEYWORDS: Bloom's: Remember

9. The United States Supreme Court has stated that life imprisonment without parole for juvenile offenders does not violate the Cruel and Unusual Punishment clause.

- a. True
- b. False

ANSWER: False

REFERENCES: Imprisonment as Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.07 - 08.07 - State the present rule on the imposition of life without parole sentences for juveniles

KEYWORDS: Bloom's: Remember

10. The use of a firearm or dangerous weapon while committing a crime frequently serves as a basis for sentence enhancement.

- a. True
- b. False

ANSWER: True

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and

sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

Multiple Choice

11. The Sixth Amendment requires that factual findings made for the purpose of enhancing a sentence must be made by a:
- jury.
 - judge.
 - prosecuting attorney.
 - defense attorney.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

12. In *Ring v. Arizona*, 536 U.S. 584 (2002), the Court held that a state capital sentencing procedure that permitted the sentencing judge to make the factual determination of aggravating and mitigating circumstances violated the:
- Sixth Amendment's right of trial by jury.
 - Sixth Amendment's right of trial by judge.
 - Sixth Amendment's right to a speedy trial.
 - Eighth Amendment's right to freedom from cruel and unusual punishment.

ANSWER: a

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.08 - 08.08 - 08. - Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged

KEYWORDS: Bloom's: Remember

13. In *Blakely v. Washington*, the Supreme Court held the sentence was invalid under the Sixth Amendment, because the defendant was entitled to a jury trial on the facts supporting the finding that he acted with deliberate:
- cruelty.
 - indifference.
 - apathy.
 - malice.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

14. In *Booker*, the Court held that under the holdings of *Apprendi* and *Blakely*, the Federal Sentencing Guidelines violated the Sixth Amendment's right to:
- jury trials in criminal cases.
 - speedy trials in criminal cases.

- c. fair trials in criminal cases.
- d. an attorney in criminal cases.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.03 - 08.03 - State the present status of the Federal Sentencing Guidelines

KEYWORDS: Bloom's: Remember

15. The Federal Sentencing Guidelines are no longer:

- a. mandatory.
- b. discretionary.
- c. applicable.
- d. fair.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.03 - 08.03 - State the present status of the Federal Sentencing Guidelines

KEYWORDS: Bloom's: Remember

16. The _____ test is used to determine whether a sentence constitutes cruel and unusual punishment.

- a. balancing
- b. scales of justice
- c. proportionality
- d. moderation

ANSWER: c

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

17. In the 1972 case of *Furman v. Georgia*, death penalty laws in all states were struck down by the US Supreme Court as:

- a. "arbitrary and capricious."
- b. "arbitrary and changeable."
- c. "random and capricious."
- d. "arbitrary and illogical."

ANSWER: a

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.05 - 08.05 - Explain why the death penalty was declared unconstitutional in *Furman v. Georgia*

KEYWORDS: Bloom's: Remember

18. In *Ingraham v. Wright*, the Supreme Court considered the relationship between the cruel and unusual punishment clause and the use of corporal punishment in:

- a. public schools.
- b. prisons.

- c. the work place.
- d. private schools.

ANSWER: a

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.15.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Remember

19. The US Supreme Court has held that reasonable corporal punishment in public schools:

- a. violates the Eighth Amendment.
- b. violates substantive due process.
- c. is not covered by the cruel and unusual punishments clause.
- d. violates equal protection.

ANSWER: c

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Remember

20. In a public school, any excessive, unreasonable corporal punishment which would shock the conscience would be a violation of:

- a. substantive due process.
- b. procedural due process.
- c. the cruel and unusual punishment clause.
- d. equal protection.

ANSWER: a

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Remember

21. The absence of fair procedures before corporal punishment is utilized on a public school student would be a violation of:

- a. substantive due process.
- b. procedural due process.
- c. the cruel and unusual punishment clause.
- d. equal protection.

ANSWER: b

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Remember

22. _____ defendants can be given the death penalty.

- a. Mentally retarded
- b. Juvenile
- c. Female

d. Insane

ANSWER: c

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.06 - 08.06 - Identify at least three groups of persons who cannot be given the death penalty

KEYWORDS: Bloom's: Remember

23. In the 1972 case of _____ v. *Georgia*, the US Supreme Court struck down all state death penalty laws as "arbitrary and capricious."

- a. *Thomas*
- b. *Cosgrove*
- c. *Furman*
- d. *Ellison*

ANSWER: c

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.05 - 08.05 - Explain why the death penalty was declared unconstitutional in *Furman v. Georgia*

KEYWORDS: Bloom's: Remember

24. The United States Supreme Court has stated that life imprisonment without parole for juvenile offenders:

- a. is constitutional only for heinous crimes.
- b. is constitutional if the juvenile is over 16 years of age.
- c. is unconstitutional unless sufficient aggravating circumstances are presented by the prosecution.
- d. is unconstitutional because it violates the Cruel and Unusual Punishment clause.

ANSWER: d

REFERENCES: Imprisonment as Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.07 - 08.07 - State the present rule on the imposition of life without parole sentences for juveniles

KEYWORDS: Bloom's: Remember

25. If the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged, he or she must produce evidence of _____ circumstances.

- a. aggravating
- b. mitigating
- c. infuriating
- d. frustrating

ANSWER: a

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.15.08.08 - 08.08 - Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged.

KEYWORDS: Bloom's: Remember

26. The Eighth Amendment prohibits the imposition of _____ fines.

- a. excessive
- b. proportional
- c. mitigating

d. monetary

ANSWER: a

REFERENCES: Fines and Forfeiture as Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.07 - 08.07 - State the present rule on the imposition of life without parole sentences for juveniles

KEYWORDS: Bloom's: Remember

27. The text of the Eighth Amendment prohibits excessive bail, excessive fines, and:

- a. cruel and unusual punishment.
- b. the death penalty.
- c. life without parole.
- d. three strikes laws.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.01 - 08.01 - Know the text of the Cruel and Unusual Punishment Clause

KEYWORDS: Bloom's: Remember

28. The Sixth Amendment requires that a jury must make factual findings for the purpose of:

- a. enhancing a sentence.
- b. putting a guilty defendant to death.
- c. a downward departure.
- d. a reduced sentence.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

29. Fines, like other types of punishment, must be:

- a. balanced.
- b. contingent.
- c. pro-rated.
- d. proportional.

ANSWER: d

REFERENCES: Fines and Forfeiture as Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.07 - 08.07 - State the present rule on the imposition of life without parole sentences for juveniles

KEYWORDS: Bloom's: Remember

30. All states and the federal government have some type of sentence _____ statutes which typically increase the penalty if the crime was deemed a hate crime or the victim was elderly or handicapped.

- a. mitigation
- b. enhancement
- c. aggravation
- d. proportionality

ANSWER: b

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

31. Habitual offender or recidivist statutes that provide for a life sentence after multiple felony convictions are:
- unconstitutional.
 - routinely found to be cruel and unusual punishment.
 - allowed on the federal level but not on the state level.
 - subject to a proportionality test, i.e., the sentence fits the crime.

ANSWER: d

REFERENCES: Career Criminals and the Repeat Offender

LEARNING OBJECTIVES: CRLA.GAAN.18.08.09 - 08.09 - Define "three strikes" laws and list the common characteristics of such laws

KEYWORDS: Bloom's: Remember

32. _____ is NOT characteristic of career-criminal programs.
- Longer sentences
 - Encouraging plea bargaining
 - Speeding up prosecution of the defendant
 - Development of special units within law enforcement agencies

ANSWER: b

REFERENCES: Career Criminals and the Repeat Offender

LEARNING OBJECTIVES: CRLA.GAAN.18.08.09 - 08.09 - Define "three strikes" laws and list the common characteristics of such laws

KEYWORDS: Bloom's: Remember

33. In the *Solem v. Helm* case, the Supreme Court held the defendant's sentence to life without parole for passing a "no account" check was:
- a harsh, but acceptable sentence.
 - a violation of procedural due process.
 - a violation of the Eighth Amendment.
 - an advisable sentence which would serve to deter others.

ANSWER: c

REFERENCES: Career Criminals and the Repeat Offender

LEARNING OBJECTIVES: CRLA.GAAN.18.08.09 - 08.09 - Define "three strikes" laws and list the common characteristics of such laws

KEYWORDS: Bloom's: Remember

34. The _____ case established the steps for a proportionality review of a non-capital sentence.
- Solem*
 - Apprendi*
 - Blakely*
 - Miranda*

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

35. In *Apprendi*, the Court held that any fact that increases the penalty for the crime charged must be submitted to the jury and proved:

- a. beyond a reasonable doubt.
- b. beyond a reasonable suspicion.
- c. beyond a doubt.
- d. by a preponderance of the evidence.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

36. The *Apprendi* opinion caused many changes in:

- a. sentencing procedures.
- b. jury procedures.
- c. misdemeanor trial procedures.
- d. wording of three strikes laws.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

37. *Blakely v. Washington*, 124 S. Ct. 2531 (2004), applied the reasoning of *Apprendi* to:

- a. state sentencing systems.
- b. federal sentencing systems.
- c. city sentencing systems.
- d. county systems.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

38. The laws popularly called "three strikes and you're out":

- a. consistently violate the Eighth Amendment.
- b. have been repealed in all states.
- c. violate double jeopardy.
- d. apply only to felony convictions.

ANSWER: d

REFERENCES: Career Criminals and the Repeat Offender

LEARNING OBJECTIVES: CRLA.GAAN.18.08.09 - 08.09 - Define “three strikes” laws and list the common characteristics of such laws

KEYWORDS: Bloom’s: Remember

39. Based upon the Court’s decision in *Lockyer v. Andrade*, “three-strikes” laws may:

- a. be unconstitutional in certain situations.
- b. not be used for nonviolent offenses.
- c. not be used in federal courts.
- d. not be used in federal or state courts.

ANSWER: a

REFERENCES: Career Criminals and the Repeat Offender

LEARNING OBJECTIVES: CRLA.GAAN.18.08.09 - 08.09 - Define “three strikes” laws and list the common characteristics of such laws

KEYWORDS: Bloom’s: Remember

40. In *Atkins v. Virginia*, 536 U.S. 304 (2002), the Court held that the Cruel and Unusual Punishment Clause of the Eighth Amendment prohibited imposition of the death penalty on defendants with:

- a. mental retardation.
- b. schizophrenia.
- c. terminal illness.
- d. None of these choices.

ANSWER: a

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.06 - 08.06 - Identify at least three groups of persons who cannot be given the death penalty

KEYWORDS: Bloom’s: Remember

41. One medieval limit on capital punishment was called the:

- a. benefit of clergy.
- b. king's pardon.
- c. bribery.
- d. levying of fines.

ANSWER: a

REFERENCES: Punishments Used in Early England

LEARNING OBJECTIVES: CRLA.GAAN.18.08.01 - 08.01 - Know the text of the Cruel and Unusual Punishment Clause

KEYWORDS: Bloom’s: Remember

42. In the Middle Ages in England, _____ was a religious place where criminals could take refuge.

- a. sanctuary
- b. chamber pot
- c. belfry
- d. hallowed burial ground

ANSWER: a

REFERENCES: Punishments Used in Early England

LEARNING OBJECTIVES: CRLA.GAAN.18.08.01 - 08.01 - Know the text of the Cruel and Unusual Punishment Clause

KEYWORDS: Bloom’s: Remember

43. _____ is inflicting deadly injury as a punishment for criminal offenses.
- a. Capital punishment
 - b. Corporal punishment
 - c. Forfeiture
 - d. A fine

ANSWER: a

REFERENCES: Punishments Used in Early England

LEARNING OBJECTIVES: CRLA.GAAN.18.08.01 - 08.01 - Know the text of the Cruel and Unusual Punishment Clause

KEYWORDS: Bloom's: Remember

44. _____ in Colonial America were situated in the town center so that public humiliation may be heaped upon the offender.
- a. Stocks
 - b. Jails
 - c. Reform schools
 - d. Delinquency notices

ANSWER: a

REFERENCES: Punishments Used in Early England

LEARNING OBJECTIVES: CRLA.GAAN.18.08.01 - 08.01 - Know the text of the Cruel and Unusual Punishment Clause

KEYWORDS: Bloom's: Remember

45. The type of sentence where a defendant is ordered to serve two sentences in a row is called a _____ sentence.
- a. consecutive
 - b. concurrent
 - c. conditional
 - d. suspended

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

46. A(n) _____ sentence would result in the shortest time a defendant would serve.
- a. consecutive
 - b. concurrent
 - c. conditional
 - d. enhanced

ANSWER: b

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

47. _____ is inflicting nondeadly physical injury as punishment for criminal conduct.

- a. Corporal
- b. Capital
- c. Conditional
- d. Forfeiture

ANSWER: a

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Remember

48. Mutilation is an example of _____ punishment.

- a. corporal
- b. capital
- c. conditional
- d. forfeiture

ANSWER: a

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Remember

49. _____ is seizure of the property that was used to commit a crime.

- a. Corporal
- b. Capital offense
- c. A fine
- d. Forfeiture

ANSWER: d

REFERENCES: Fines and Forfeiture as Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.07 - 08.07 - State the present rule on the imposition of life without parole sentences for juveniles

KEYWORDS: Bloom's: Remember

50. _____ is the payment of money as part of a defendant's sentence.

- a. Seizure
- b. Capital offense
- c. Fine
- d. Forfeiture

ANSWER: c

REFERENCES: Fines and Forfeiture as Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.07 - 08.07 - State the present rule on the imposition of life without parole sentences for juveniles

KEYWORDS: Bloom's: Remember

Fred was arrested for grand theft auto. The jury found him guilty and he was sentenced to twenty years in prison and his car was seized. This was his first conviction of a felony, though he had several misdemeanor offenses on his record.

51. Fred's sentence would likely be overturned on appeal unless the factual findings made for the purpose of enhancing a sentence were made by a:

- a. jury.
- b. judge.
- c. prosecuting attorney.
- d. defense attorney.

ANSWER: a

REFERENCES: The Constitutional Limitation on Punishment

PREFACE NAME: Fred was arrested for grand theft auto

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Apply

52. The loss by Fred of his car is an example of:

- a. forfeiture.
- b. fine.
- c. free speech.
- d. unlawful search and seizure.

ANSWER: a

REFERENCES: Fines and Forfeiture as Punishment

PREFACE NAME: Fred was arrested for grand theft auto

LEARNING OBJECTIVES: CRLA.GAAN.18.08.07 - 08.07 - State the present rule on the imposition of life without parole sentences for juveniles

KEYWORDS: Bloom's: Apply

53. Fred may also appeal his sentence on Sixth Amendment grounds. To determine whether a sentence constitutes cruel and unusual punishment, the appellate court will use a _____ test.

- a. balancing
- b. scales of justice
- c. proportionality
- d. moderation

ANSWER: c

REFERENCES: The Constitutional Limitation on Punishment

PREFACE NAME: Fred was arrested for grand theft auto

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Apply

Bill is a student at the local high school. He was caught chewing tobacco in the boys' laboratory and sent to the principal's office. As punishment, the principal made him swallow the wad of tobacco, which immediately made Bill throw up. Bill went home and told his parents of the incident, and the next day they contacted a lawyer.

54. Bill's parent's intend to sue the high school because:

- a. swallowing the tobacco violates Bill's Eighth Amendment rights.
- b. swallowing the tobacco amounted to illegal forfeiture.
- c. Bill was denied an attorney.
- d. swallowing the tobacco violates Bill's right to equal protection.

ANSWER: a

REFERENCES: Corporal Punishment
PREFACE NAME: Bill is a student at the local high school
LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student
KEYWORDS: Bloom's: Apply

55. Bill's lawyer asks Bill about how the principal decided Bill's guilt and punishment, and asks to see a copy of the school's student conduct code. Bill's attorney is trying to build a case based on:

- a. Bill's Eighth Amendment rights.
- b. a procedural due process claim.
- c. a substantive due process claim.
- d. a violation of enhanced sentencing guidelines.

ANSWER: b

REFERENCES: Corporal Punishment
PREFACE NAME: Bill is a student at the local high school
LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student
KEYWORDS: Bloom's: Apply

56. Bill's lawyer then asks about Bill's physical reaction after swallowing the chewing tobacco. Bill's attorney is trying to build a case based on:

- a. Bill's Eighth Amendment rights.
- b. a procedural due process claim.
- c. a substantive due process claim.
- d. a violation of enhanced sentencing guidelines.

ANSWER: c

REFERENCES: Corporal Punishment
PREFACE NAME: Bill is a student at the local high school
LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student
KEYWORDS: Bloom's: Apply

57. Bill's lawyer then reads up on the case of *Ingraham v. Wright* and realizes that a claim based on ____ would not succeed.

- a. Bill's Eighth Amendment rights
- b. a procedural due process claim
- c. a substantive due process claim
- d. None of these choices.

ANSWER: a

REFERENCES: Corporal Punishment
PREFACE NAME: Bill is a student at the local high school
LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student
KEYWORDS: Bloom's: Apply

Bill, who was forced to swallow chewing tobacco as punishment for chewing it in the boys' bathroom at high school, gets very angry thinking about the incident. He decides to confront the school's principal after a few days, and the discussion gets very heated. During the course of confrontation, Bill strikes the principal with his fist, resulting in the death of the

principal. Bill is arrested and now stands trial for murder.

58. The prosecution argues the death penalty should be imposed due to Bill's history of violence and wanton disregard for human life. The circumstances described are _____ circumstances.

- a. aggravating
- b. mitigating
- c. random and capricious
- d. arbitrary and illogical

ANSWER: a

REFERENCES: Capital Punishment

PREFACE NAME: Bill, who was forced to swallow chewing tobacco

LEARNING OBJECTIVES: CRLA.GAAN.18.08.08 - 08.08 - Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged

KEYWORDS: Bloom's: Apply

59. Bill's defense attorney argues the death penalty should not be imposed due to Bill's history of abuse at home. The circumstances described are _____ circumstances.

- a. aggravating
- b. mitigating
- c. random and capricious
- d. arbitrary and illogical

ANSWER: b

REFERENCES: Capital Punishment

PREFACE NAME: Bill, who was forced to swallow chewing tobacco

LEARNING OBJECTIVES: CRLA.GAAN.18.08.08 - 08.08 - Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged

KEYWORDS: Bloom's: Apply

60. Bill's defense attorney calls the school psychiatrist, who testifies that Bill is clinically insane. The effect of this information is that:

- a. Bill will be sentenced to a maximum of twenty years in prison.
- b. Bill will not face the death penalty
- c. Bill will immediately be released.
- d. The judge will immediately declare a mistrial.

ANSWER: b

REFERENCES: Capital Punishment

PREFACE NAME: Bill, who was forced to swallow chewing tobacco

LEARNING OBJECTIVES: CRLA.GAAN.18.08.06 - 08.06 - Identify at least three groups of persons who cannot be given the death penalty

KEYWORDS: Bloom's: Apply

Completion

61. The ban on cruel and unusual punishments requires that punishments be _____ to the seriousness of the offense.

ANSWER: proportional

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

62. In *Booker*, the Court held that under the holdings of *Apprendi* and _____, the Federal Sentencing Guidelines violated the Sixth Amendment's right to jury trials in criminal cases.

ANSWER: *Blakely*

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

63. To impose the death penalty, the jury must find the existence of a(n) _____ circumstance.

ANSWER: aggravating

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.08 - 08.08 - Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged

KEYWORDS: Bloom's: Remember

64. Death penalty statutes allow the jury to impose a sentence other than the death penalty if they find a _____ circumstance.

ANSWER: mitigating

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.15.08.08 - 08.08 - Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged.

KEYWORDS: Bloom's: Remember

65. In 1972, in the case of _____ v. *Georgia*, the US Supreme Court invalidated all existing state death penalty statutes.

ANSWER: *Furman*

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.05 - 08.05 - Explain why the death penalty was declared unconstitutional in *Furman v. Georgia*

KEYWORDS: Bloom's: Remember

66. The _____ Amendment prohibits execution of a prisoner who is insane.

ANSWER: Eighth

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.06 - 08.06 - Identify at least three groups of persons who cannot be given the death penalty

KEYWORDS: Bloom's: Remember

67. Sentences that are to be served _____ are served at the same time.

ANSWER: concurrently

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.03 - 08.03 - State the present status of the Federal Sentencing Guidelines

KEYWORDS: Bloom's: Remember

68. The Eighth Amendment Cruel and Unusual Punishment Clause is not applicable to the use of corporal punishment for ____ purposes in public schools.

ANSWER: disciplinary

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Remember

69. In the 1972 case of *Furman v. Georgia*, death penalty laws in all states were struck down as “arbitrary and ____” by the US Supreme Court.

ANSWER: capricious

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.05 - 08.05 - Explain why the death penalty was declared unconstitutional in *Furman v. Georgia*

KEYWORDS: Bloom's: Remember

70. Sentence enhancement statutes are used to _____ the period of incarceration the defendant may be ordered to serve.

ANSWER: increase

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Remember

71. In the Middle Ages in England, a ____ was a religious place where criminals could take refuge.

ANSWER: sanctuary

REFERENCES: Punishments Used in Early England

LEARNING OBJECTIVES: CRLA.GAAN.18.08.01 - 08.01 - Know the text of the Cruel and Unusual Punishment Clause

KEYWORDS: Bloom's: Remember

72. Inflicting deadly injury as a punishment for criminal offenses is called ____.

ANSWER: capital punishment

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.05 - 08.05 - Explain why the death penalty was declared unconstitutional in *Furman v. Georgia*

KEYWORDS: Bloom's: Remember

73. One who is a habitual criminal is called a ____.

ANSWER: recidivist

REFERENCES: Career Criminals and the Repeat Offender

LEARNING OBJECTIVES: CRLA.GAAN.18.08.09 - 08.09 - Define “three strikes” laws and list the common characteristics of such laws

KEYWORDS: Bloom's: Remember

74. Laws that impose increased penalties for multiple felony convictions are called ____ laws.

ANSWER: three strikes

REFERENCES: Career Criminals and the Repeat Offender

LEARNING OBJECTIVES: CRLA.GAAN.18.08.09 - 08.09 - Define "three strikes" laws and list the common characteristics of such laws

KEYWORDS: Bloom's: Remember

75. The seizure of property of people charged with or convicted of crime is called ____.

ANSWER: forfeiture

REFERENCES: Fines and Forfeiture as Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.07 - 08.07 - State the present rule on the imposition of life without parole sentences for juveniles

KEYWORDS: Bloom's: Remember

Essay

76. Identify three groups of persons who cannot be given the death penalty. Discuss one of the cases regarding the exclusion of one of these groups.

ANSWER: N/A

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.06 - 08.06 - Identify at least three groups of persons who cannot be given the death penalty

KEYWORDS: Bloom's: Understand

77. Explain what is meant by "proportionality" with reference to criminal sentencing.

ANSWER: N/A

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Understand

78. Explain the protections, if any, that a public school student has with regard to the school's use of corporal punishment.

ANSWER: N/A

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Understand

79. Discuss the holding in the case of *United States v. Booker* (2005). Explain how this case impacted the Federal Sentencing Guidelines.

ANSWER: N/A

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.03 - 08.03 - State the present status of the Federal Sentencing Guidelines

KEYWORDS: Bloom's: Understand

80. Explain the Supreme Court's decision in *Furman v. Georgia* (1972) and highlight three recent Supreme Court decisions about the death penalty since 1972.

ANSWER: N/A

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.05 - 08.05 - Explain why the death penalty was declared unconstitutional in *Furman v. Georgia*

KEYWORDS: Bloom's: Understand

81. Explain aggravating and mitigating factors as they relate to the death penalty statutes, and give three examples of each type of factor.

ANSWER: N/A

REFERENCES: Capital Punishment

LEARNING OBJECTIVES: CRLA.GAAN.19.08.08 - 08.08 - Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged

KEYWORDS: Bloom's: Understand

82. List two requirements a school official must meet in order to impose corporal punishment on a student.

ANSWER: N/A

REFERENCES: Corporal Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.04 - 08.04 - Identify the procedure a school official must follow before imposing corporal punishment on a student

KEYWORDS: Bloom's: Understand

83. Define "three strikes" laws, and list the common characteristics of such laws.

ANSWER: N/A

REFERENCES: Career Criminals and the Repeat Offender

LEARNING OBJECTIVES: CRLA.GAAN.18.08.09 - 08.09 - Define "three strikes" laws and list the common characteristics of such laws

KEYWORDS: Bloom's: Understand

84. Explain how the Sixth Amendment affects sentencing provisions that provide sentence enhancements against criminal defendants.

ANSWER: N/A

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Understand

85. List three situations or conditions which will typically result in an enhanced or increased sentence for convicted offenders.

ANSWER: N/A

REFERENCES: The Constitutional Limitation on Punishment

LEARNING OBJECTIVES: CRLA.GAAN.18.08.02 - 08.02 - Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.

KEYWORDS: Bloom's: Understand

