**Chapter 1**

**Multiple Choice Questions**

1. The law is important for us because it:
   1. tells us right from wrong
   2. allows us to ostracize those who misbehave
   3. allows for social control
   4. defines right and wrong behavior for us
2. Civil law is distinguishable from criminal law in all of the following ways *except:*
   1. it is a cause of action between a private party and the state
   2. it seeks to compensate through monetary damages
   3. its rules of procedure are different
   4. its rules of evidence are different
3. Throughout history the criminal law has had the same basic goals. Of the following, which is *not* one of those goals?
   1. retribution
   2. incapacitation
   3. deterrence
   4. compensation
4. In its landmark decision *Furman v. Georgia,* the United States Supreme Court recognized \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as an appropriate punishment goal.
   1. retribution
   2. specific deterrence
   3. general deterrence
   4. incapacitation
5. A statute that seeks to punish a person’s acts in an effort to prevent others from engaging in those or similar acts is a statute of:
   1. specific deterrence
   2. general deterrence
   3. incapacitation
   4. retribution
6. The dominant focus of punishment theory during the 1960s and 1970s was:
   1. retribution
   2. revenge
   3. specific deterrence
   4. rehabilitation
7. Certain crimes are evil in themselves and categorized as *mala in se.* Which of the following is *not* considered *mala in se*?
   1. murder
   2. arson
   3. forcible rape
   4. bank fraud
8. The power of appellate courts to interpret lower court decisions, statutes, and ordinances is known as:
   1. appellate review
   2. executive review
   3. judicial review
   4. congressional review
9. The constitutionality of a state’s statutes, ordinances, and other acts under its state constitution is determined by:
   1. its legislature
   2. its appellate courts
   3. the United States Supreme Court
   4. its highest appellate court
10. In general, the term \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ refers to those customs, traditions, judicial decisions, and other materials that guide courts in making decisions but have not been codified in statutes or constitutions.
    1. common law
    2. judicial review
    3. jurisdiction
    4. concurrent jurisdiction
11. This course concentrates on the kind of law that defines rights, elements, and responsibilities and is called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
    1. procedural law
    2. substantive law
    3. constitutional law
    4. statutory law
12. There are four sources of law in the United States. Which of the following is *not* one of them?
    1. judicial decisions
    2. statutes
    3. administrative codes
    4. judicial review
13. With specific reference to the crime charged against a defendant, the discretion in this area lies with the:
    1. prosecutor
    2. judge
    3. jury
    4. police
14. Most jurisdictions today broadly classify crimes according to the sentences that may be imposed upon violation. The most common classifications are:
    1. petty and misdemeanor
    2. felony and petty
    3. felony and misdemeanor
    4. misdemeanor and moral turpitude
15. To avoid a constitutional challenge on the basis of “void for vagueness,” a criminal statute must meet three characteristics. Which of the following is *not* one of the characteristics?
    1. must not unreasonably deny people their Eighth Amendment rights
    2. must guard against arbitrary and discriminatory enforcement
    3. must give fair and adequate notice to those who are subject to it
    4. must not unreasonably deny people their First Amendment rights
16. The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ doctrine means that although a state may change its statutes or regulations to benefit a person, it may not do so to impose punishment that did not exist at the time the act was committed or to increase the punishment.
    1. relation back
    2. *habeas corpus*
    3. double jeopardy
    4. *ex post facto*
17. As it applies to the states, the concept of due process is found in which amendment?
    1. First
    2. Sixth
    3. Fourteenth
    4. Fifth
18. In *Griswold v. Connecticut,* the United States Supreme Court recognized that certain implicit rights arise from the Constitution, specifically in this case the right:
    1. to be free from self-incrimination
    2. to have an attorney present during questioning
    3. to have counsel appointed to represent you if you are charged with a felony
    4. to privacy
19. Ours is an adversarial system; consequently, the prosecution bears the burden of convincing the fact-finder to a particular standard or burden of proof. In all criminal cases that standard is:
    1. clear and convincing proof
    2. preponderance of the evidence
    3. beyond a reasonable doubt
    4. beyond a shadow of a doubt
20. When the fact-finder refuses to find guilt despite the evidence it is called:
    1. a mistrial
    2. a hung jury
    3. jury nullification
    4. a harmless error
21. What is based on the assumption that behavior is rational and that criminal behavior can be prevented if people fear the consequences of their actions?
    1. Retribution
    2. Incapacitation
    3. Rehabilitation
    4. Deterrence
22. What principle means that no act may be punished as a crime unless it was defined as a crime and punishment was provided by the state (or federal government) prior to the commission of the act?
    1. Stare decisis
    2. Legality
    3. Proportionality
    4. Due process
23. The United States has what type of court system?
    1. Dual
    2. Inquisitorial
    3. Communist
    4. One
24. The actual decision of a court based on the facts of the case is the:
    1. holding
    2. stare decisis
    3. precedent
    4. dicta
25. Appellate opinions frequently make references to prior cases, these cases are known as what type of cases?
    1. holding
    2. stare decisis
    3. precedent
    4. dicta

**Answer Key**

1. c
2. b
3. d
4. a
5. b
6. d
7. d
8. c
9. d
10. a
11. b
12. d
13. a
14. c
15. a
16. d
17. c
18. d
19. c
20. c
21. d
22. b
23. a
24. a
25. c