

## Chapter 12—Criminal Justice Process: The Investigation

### MULTIPLE CHOICE

1. The Fifth Amendment provides the defendant with
  - a. a free attorney if he or she cannot afford one.
  - b. the right to remain silent.
  - c. a speedy trial.
  - d. all of the above
2. Statements made by a defendant in custody before he or she has been given the *Miranda* warnings
  - a. are admissible if the State can prove the defendant had a prior arrest record and therefore did not need the warnings.
  - b. are admissible at trial if the defendant's statement can be corroborated by other evidence.
  - c. are admissible at trial if the defendant repeats them after police give the warnings.
  - d. make the arrest invalid.
3. Which of the following statements about the *Miranda* warnings is true?
  - a. There are no exceptions to the *Miranda* rule.
  - b. The Court does not limit the impact of the *Miranda* rule.
  - c. Failure to give *Miranda* warnings does not affect the validity of an arrest.
  - d. Police must inform people of their *Miranda* rights after questioning.
4. Simon belonged to a political group responsible for blowing up several corporate offices of multinational companies. Acting on a tip, the police surround Simon in front of the offices of a major corporation and ask him where the explosives are. Simon tells them. His statements are
  - a. inadmissible because he was not given the *Miranda* warnings.
  - b. inadmissible because he was never charged with a crime.
  - c. admissible because he was a known criminal.
  - d. admissible because of the public safety exception to *Miranda*.
5. Sulla gives several incriminating statements in response to police questioning before she is given the *Miranda* warnings. Her statements
  - a. will be inadmissible in court because of the exclusionary rule.
  - b. will be inadmissible in court because of the Fourth Amendment.
  - c. will be admissible in court if the police honestly believed that she had been warned before questioning her.
  - d. will be admissible in court if she has a prior criminal record.

### COMPLETION

Complete each of the following statements with the appropriate choice below. Some choices may not be used and some may be used more than once.

defendant	police
judge	prosecutor
jury	victim

1. The \_\_\_\_\_ issues a search warrant.
2. The \_\_\_\_\_ carry out the search.

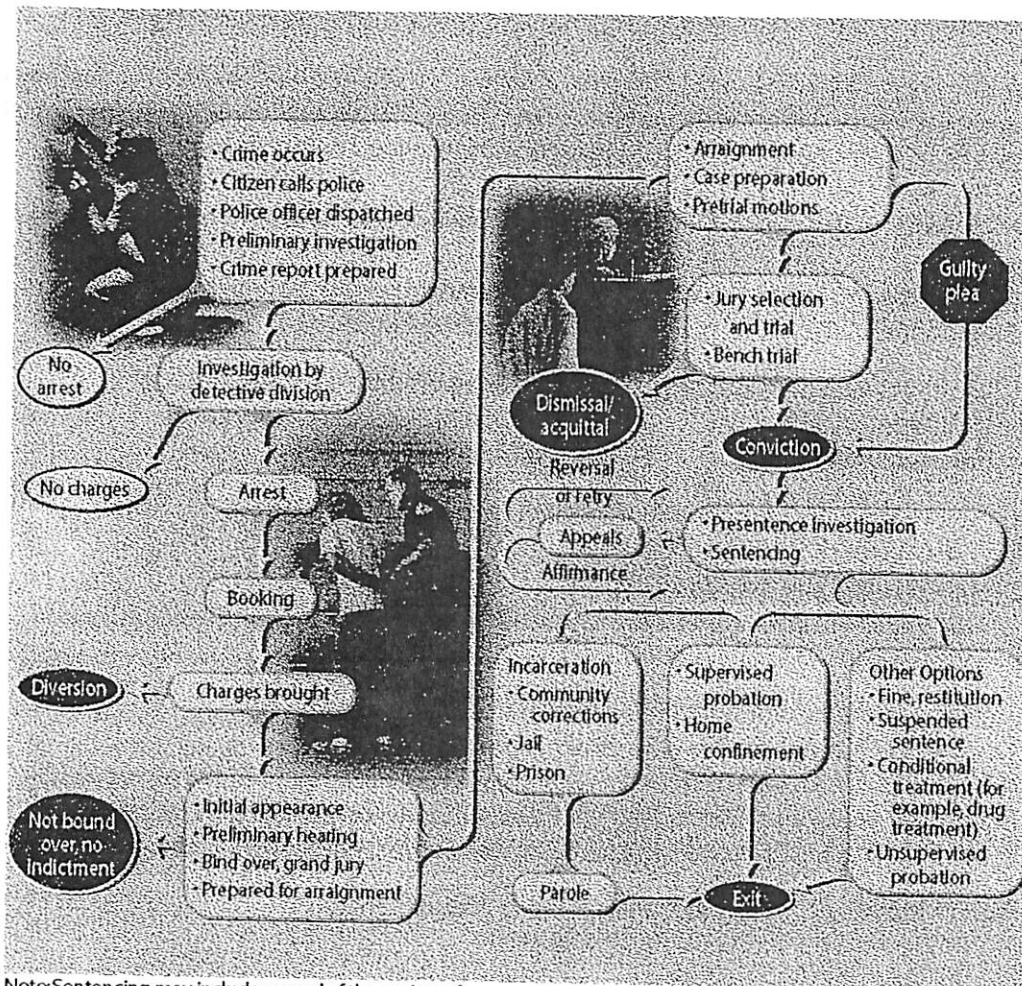
3. The \_\_\_\_\_ decides if evidence was legally obtained.
4. The \_\_\_\_\_ brings the charges against the \_\_\_\_\_.
5. The exclusionary rule is designed to punish \_\_\_\_\_.

## **MATCHING**

*Match each item with the correct statement below.*

- |                      |                   |
|----------------------|-------------------|
| a. affidavit         | e. judge          |
| b. arrest            | f. Escobedo       |
| c. exclusionary rule | g. Miranda        |
| d. interrogation     | h. probable cause |
1. reasonable belief that a person has committed a crime
  2. what should not take place before reading the *Miranda* warnings
  3. the defendant in a landmark case who argued he was not aware of his rights before confessing
  4. the rule that prohibits use of illegally seized evidence in court
  5. a sworn statement of facts and circumstances

**SHORT ANSWER**



Note: Sentencing may include several of the options (for example, prison and a fine). Parole is being eliminated in many places.

1. What sentencing options are available to convicted defendants?
2. What happens after a defendant pleads guilty?
3. When does parole occur?

**ESSAY**

1. Read the following statement and give two reasons in favor of it and two opposed to it:  
 “The exclusionary rule protects all of us from illegal government action.”

## Chapter 13—Criminal Justice Process: Proceedings Before Trial

### MULTIPLE CHOICE

1. Police illegally enter Serge's house looking for a stolen TV. They do not find the TV, but they do observe a pawn ticket. Leaving the ticket where they find it, the officers go to the pawn shop where they observe the TV and seize it. Serge is prosecuted for the theft of the TV set.

As Serge's attorney, which of the following pretrial motions to exclude the evidence would you make?

- |                           |                                |
|---------------------------|--------------------------------|
| a. motion to change venue | c. motion to suppress evidence |
| b. motion for continuance | d. motion for mistrial         |
2. Which of these facts would a judge consider in deciding a motion to change venue?
- |                                 |                                 |
|---------------------------------|---------------------------------|
| a. the community's hostility    | c. the convenience of the press |
| b. the convenience of attorneys | d. none of the above            |
3. What does it mean if a judge releases a defendant on personal recognizance?
- |  |
|--|
| a. the defendant needs a third-party custodian   |
| b. the defendant is required to post bond  |
| c. the defendant has adequate ties to the community and can be expected to return to court |
| d. none of the above   |
4. In a grand jury proceeding, which of the following is true?
- |   |
|---|
| a. Only the federal judicial systems uses this process.                                     |
| b. The defendant and his attorney have the right to present evidence during the proceeding. |
| c. The prosecutor need not present all of the evidence the state has at this proceeding.    |
| d. The Fourth Amendment requires a grand jury indictment for a serious federal crime.       |
5. Which of the following is an argument in support of pretrial release?
- |   |
|---|
| a. It is a right guaranteed by the Sixth Amendment.                     |
| b. It is punishment prior to conviction.                                |
| c. It is a right guaranteed by the Fifth Amendment.                     |
| d. It reflects the American judicial system's presumption of innocence. |

### COMPLETION

*Complete each of the following statements with the appropriate choice below. Some choices may not be used and some may be used more than once.*

judge  
police  
jury  
defendant  
prosecutor  
victim

1. In many cases the \_\_\_\_\_ and the defense enter into plea bargains.
2. The \_\_\_\_\_ is not required to accept a plea bargain worked out by the parties.

3. The \_\_\_\_\_ may be allowed to take fingernail clippings, handwriting specimens, or blood samples from the \_\_\_\_\_ at booking.
4. \_\_\_\_\_ prepares an information in misdemeanor cases.
5. A judge will not accept a plea bargain if the \_\_\_\_\_ does not fully understand and voluntarily enter the plea.

## MATCHING

*Match each item with the correct statement below.*

- |                       |                     |
|-----------------------|---------------------|
| a. bail               | e. information      |
| b. booking            | f. nolo contendere  |
| c. felony arraignment | g. indictment       |
| d. grand jury         | h. pretrial release |

1. formal charge of criminal action
2. group of people charged with determining whether there is sufficient cause to charge a person with a crime
3. money to secure a person's return to court for further hearings
4. court hearing in which defendant enters a plea
5. plea in which the defendant does not admit guilt but does not contest the charges

*Determine to whom each of the benefits of plea bargaining listed below applies.*

- |                      |               |
|----------------------|---------------|
| a. prosecutors       | c. judges     |
| b. defense attorneys | d. defendants |

6. forces the defense counsel and prosecutor to discuss the relative strengths and weaknesses of their cases
7. in weak cases, still get a conviction, even if to a lesser crime
8. receive some favorable benefits (reduced criminal charge, lower penalty, etc.)
9. have very high caseloads and rely on defendants to plead guilty in order to be able to handle their work
10. may have high caseloads too
11. is less expensive (for those who pay for their own counsel) and is less time-consuming
12. reduces their dockets
13. helps them achieve a favorable outcome for their client, such as a reduced charge, a lesser penalty, or other charges dismissed
14. without guilty pleas, trials on these charges could not occur within the speedy trial rule

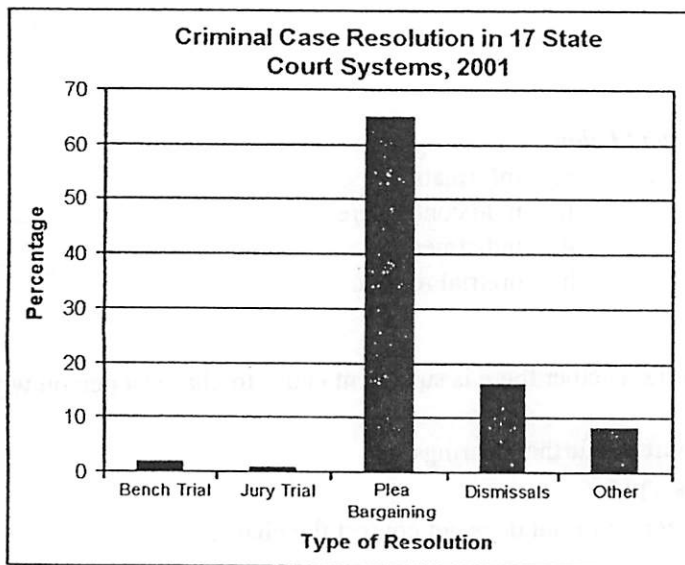
*Determine to whom each of the disadvantages of plea bargaining listed below applies.*

- |                     |              |
|---------------------|--------------|
| a. prosecutor       | c. defendant |
| b. defense attorney | d. judge     |

15. may feel pressured to accept a plea bargain
16. as elected official, may feel that the public unfairly blames him or her for "deals" made by the prosecutor
17. may not obtain the benefit he or she expected from the plea bargain
18. may come to believe that the system is unfair and his or her attorney is incompetent

19. as elected official, may be strongly criticized by public for plea bargaining, especially in notorious cases
20. may come to believe that the criminal justice system is not about justice, but about dealmaking
21. may negotiate a plea arrangement that the judge does not accept, which results in the client pleading guilty and not obtaining the benefit expected

## SHORT ANSWER



Source: National Center for State Courts

1. What is the most frequent resolution of criminal cases in the 17 state court systems reported on the graph?
2. What is the least common resolution of criminal cases in the 17 state court systems?

## ESSAY

1. Define each of the following procedures and list them in the order in which they occur.

arraignment  
 booking  
 initial appearance  
 pretrial motions

arrest  
 fingerprinting and photographing  
 plea bargaining  
 pretrial release

## Chapter 14—Criminal Justice Process: The Trial

### MULTIPLE CHOICE

1. Due process provides these rights to people accused of crimes.
  - a. jury trial in public
  - b. to confront and cross-examine witnesses
  - c. to be informed of their rights and the charges against them
  - d. all of the above
2. Most criminal cases are resolved by
  - a. jury trials.
  - b. bench trials.
  - c. plea bargains.
  - d. none of the above
3. A peremptory challenge may not be used to exclude jurors who are
  - a. students.
  - b. business owners.
  - c. from a specific racial group.
  - d. unemployed.
4. Defendants can get this type of court order to require a witness to come to court to testify.
  - a. warrant
  - b. subpoena
  - c. writ
  - d. affidavit
5. Marco is granted immunity for his testimony against the mafia. During his testimony, he admits that he helped in a murder that had not yet been solved. The prosecutors may
  - a. prosecute Marco for murder.
  - b. use this testimony against Marco.
  - c. not prosecute Marco for his role in the murder.
  - d. none of the above

### COMPLETION

*Complete each of the following statements with the appropriate choice below. Some choices are not used.*

challenge for cause	mistrial
contempt of court	jury panel
freedom from self-incrimination	waive
jury panel	writ of habeas corpus

1. \_\_\_\_\_ is an order from a higher court to a lower court or to a government official to bring the defendant to court.
2. The prosecutor can use a \_\_\_\_\_ to exclude a juror from the jury panel because the juror is related to the defendant.
3. A \_\_\_\_\_ is the group of people drawn from voter registration or tax lists from which juries are drawn.
4. The judge has the power to hold a defendant in \_\_\_\_\_ when a defendant becomes disorderly in the courtroom.

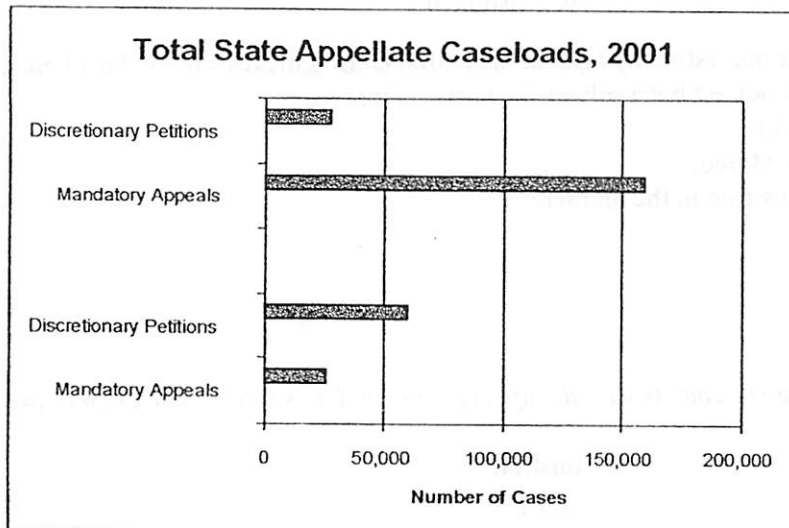
5. Defendants have the opportunity to \_\_\_\_\_ their right to a jury trial and have their case heard only by a judge.

## MATCHING

Match each item with the correct statement below. Some items will not be used.

- |                          |                       |
|--------------------------|-----------------------|
| a. appellant             | e. self-incrimination |
| b. due process           | f. trial by jury      |
| c. jury nullification    | g. waiver             |
| d. right to speedy trial | h. immunity           |
- the person who requests a higher court to reverse the trial court's decision
  - power of the jury to disregard the law and decide a case in the interest of justice
  - prevents defendants from being held indefinitely in jail without trial
  - a witness cannot be prosecuted based on any information provided in a testimony
  - right not to be forced to testify against oneself in a criminal trial

## SHORT ANSWER



Source: National Center for State Courts

- Compare the total number of appellate cases in the state intermediate appeals courts to the total number of appellate cases in the state courts of last resort. Which courts have more cases? Why do you think that is true?
- The intermediate appeals courts have more of which type of appellate case than the courts of last resort? Explain.
- What is the appeals court system in your state? Does your state have an intermediate appeals court, or is there only the trial court and then the court of last resort?

## ESSAY

- List three Sixth Amendment rights, explain what they mean, and tell why they are important.



## **Chapter 15—Criminal Justice Process: Sentencing and Corrections**

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### **MULTIPLE CHOICE**

1. Criminal sentencing serves the following purpose.
  - a. retribution
  - b. deterrence
  - c. rehabilitation
  - d. all of the above
  
2. A sentencing option that reflects the get-tough attitude toward crime is
  - a. electronic monitoring.
  - b. three strikes.
  - c. probation.
  - d. suspended sentence.
  
3. In states that have mandatory sentencing laws,
  - a. judges have great discretion in setting the sentence.
  - b. juries have great discretion in setting the sentence.
  - c. judges have little discretion in setting the sentence.
  - d. none of the above
  
4. A person released from prison before the completion of their confinement time and supervised in the community is on
  - a. probation.
  - b. restitution.
  - c. parole.
  - d. suspended sentence.
  
5. Who would be held in prison rather than in jail?
  - a. Mary is serving her sentence for a felony.
  - b. Tim is charged with murder and awaiting trial.
  - c. George is serving 10 days for driving under the influence.
  - d. none of the above

## COMPLETION

*Read the following statements by Justices Blackmun and Scalia. Write B in the blank if the statement represents Justice Blackmun's views, write S in the blank if the statement represents Justice Scalia's views, write Both in the blank if it reflects both justices' views, or write N in the blank if this statement reflects neither justices' views.*

Justice Harry A. Blackmun, then the oldest and longest-serving member of the Supreme Court, announced in the case of *Collins v. Collins* that he would vote to oppose all future death sentences. He stated that the system for imposing capital punishment was still arbitrary and biased against poor and black defendants. (Justice Blackmun died in 1999.)

"From this day forward, I no longer shall tinker with the machinery of death," the 85-year-old justice said. "I believe that the death penalty, as currently administered, is unconstitutional.

"Rather than continue to coddle the court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed," he wrote. No set of laws has excluded "the virus of racism," nor have any set of procedures precluded the possibility that an innocent person is executed, he said.

"The problem is that the inevitability of factual, legal, and moral error gives us a system that we know must wrongly kill some defendants, a system that fails to deliver the fair, consistent and reliable sentences of death required by the Constitution."

Blackmun conceded that the system was far better than in 1972, but concluded that it "remains fraught with arbitrariness, discrimination, caprice and mistake."

"Perhaps one day this court will develop procedural rules or verbal formulas that actually will provide consistency, fairness and reliability in a capital punishment scheme," he said. "I am not optimistic that such a day will come. I am more optimistic," he added, that a future court will abolish capital punishment entirely.

Justice Antonin Scalia criticized his senior colleague for voicing sympathy for the Texas murderer while ignoring the fate of his victim. While Blackmun spoke of the accused with "intravenous tubes attached to his arms," Scalia called for a close look at the crime.

"The murder of a man ripped by a bullet suddenly and unexpectedly, with no opportunity to prepare himself or his affairs and left to bleed to death on the floor of a tavern. The death-by-injection which Justice Blackmun describes looks pretty desirable next to that," Scalia wrote. He also faulted Blackmun for relying on his "intellectual, moral, and personal perceptions," rather than the "text and tradition of the Constitution."

"Convictions in opposition to the death penalty are often passionate and deeply held," Scalia noted. "That would be no excuse for reading them into a Constitution that does not contain them . . . Much less is that any excuse for using that course to thrust a minority's view upon the people."

1. The death penalty is always unconstitutional. \_\_\_\_\_

2. The proper way to decide death penalty cases is by looking at the language and history of the Constitution. \_\_\_\_\_
3. A death penalty system that is consistent, fair, and gives reliable results is constitutional. \_\_\_\_\_
4. More attention should be paid to the victim of the crime than to having sympathy for the defendant. \_\_\_\_\_
5. I will oppose the death penalty in every case. \_\_\_\_\_
6. Poor and black defendants are more likely to get the death penalty than other defendants. \_\_\_\_\_

**MATCHING**

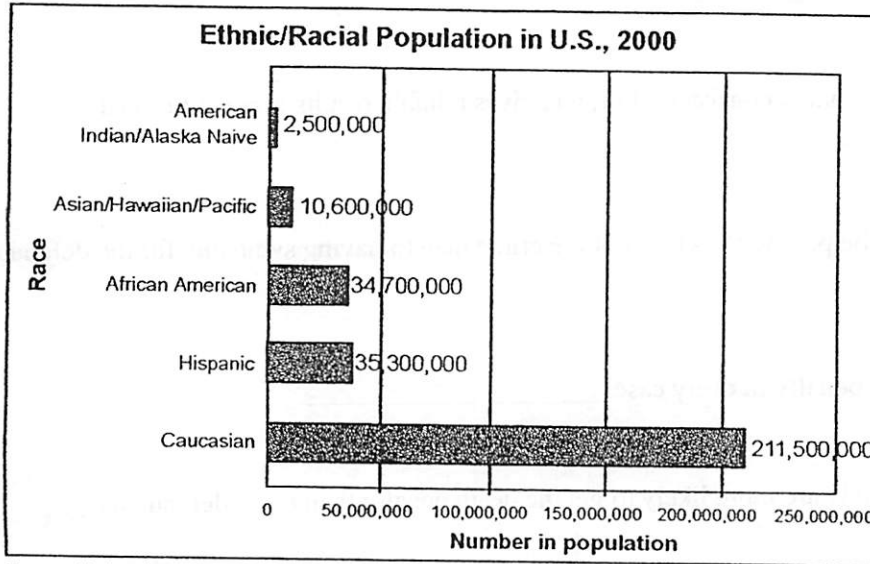
*Match each item with the correct statement below. Some items will not be used.*

- |                |                |
|----------------|----------------|
| a. aggravating | e. probation   |
| b. fine        | f. recidivist  |
| c. mitigating  | g. restitution |
| d. parole      | h. retribution |

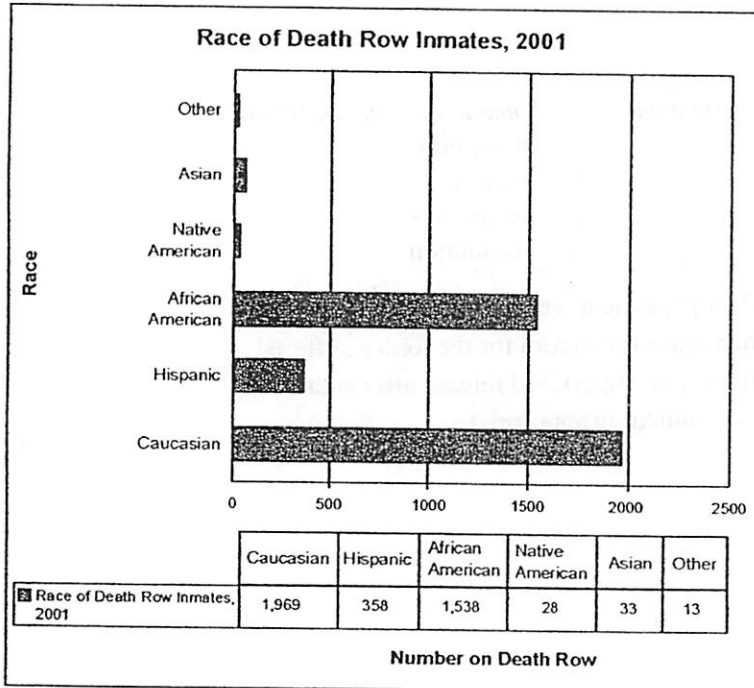
1. sentencing option in which defendant pays the government a sum of money
2. sentencing option in which defendant pays the victim for the losses suffered
3. sentencing option in which defendant is on supervised release after sentencing
4. factors that suggest a less severe punishment is appropriate
5. repeat offender

- 1.
- 2.
- 3.
- 4.
- 5.

**SHORT ANSWER**



Source: National Center for State Courts



Source: Street Law, Seventh Edition

1. One criticism of the death penalty is that it is applied in an unfair manner, that members of minority groups are more likely to receive it than others. Review the information in the two graphs and make an argument that supports this criticism.
2. Some people claim that there is no racism in the sentencing of persons to the death penalty. Review the information in the two graphs and make an argument that supports this claim.

3. Analyze the data in these two graphs and give your opinion about racial disparity in the sentencing of criminal defendants to die. Use the data to support your viewpoint.

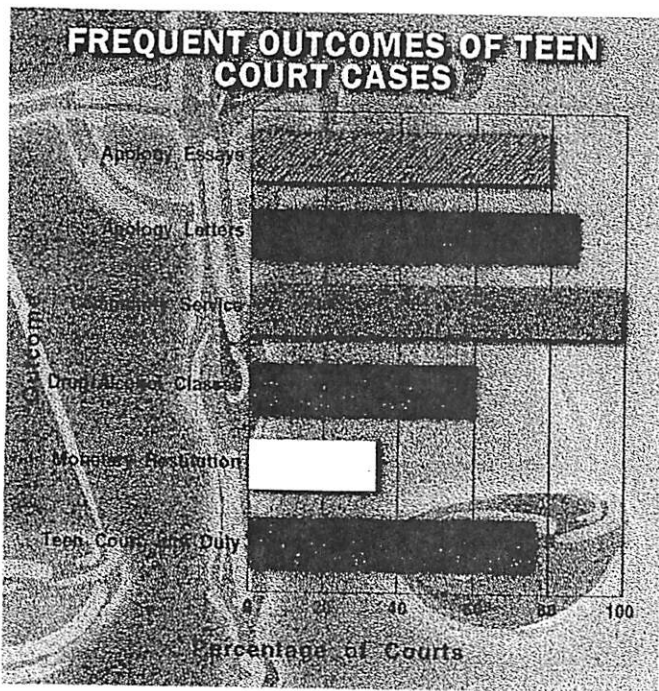
## ESSAY

1. Choose ~~five~~<sup>all</sup> of the following terms and define each fully.

- A. rehabilitation
- B. deterrence
- C. incapacitation
- D. retribution
- E. aggravating and mitigating circumstances
- F. presentence report

### MULTIPLE CHOICE

1. Which of the following represents the current trend in the treatment of juvenile offenders?
  - a. It is most important that juveniles be rehabilitated.
  - b. It is most important that juveniles be held accountable and community safety be protected.
  - c. Serious violent juvenile offenders can best be handled in juvenile court.
  - d. *Parens patriae* is the best approach.
  
2. Aftercare in the juvenile justice process is most similar to what in the adult system?
  - a. probation
  - b. restitution
  - c. parole
  - d. home confinement.
  
3. Jeremy has been found guilty of underage possession of alcohol. He is a
  - a. juvenile delinquent.
  - b. status offender.
  - c. neglected and abused child.
  - d. none of the above
  
4. Juveniles may be charged in adult court after a transfer hearing, when a judge considers
  - a. the juvenile's age and past record.
  - b. seriousness of the crime.
  - c. the likelihood that the juvenile may be rehabilitated.
  - d. all of the above
  
5. The *Juvenile Justice and Delinquency Act of 2002* has this as its main purpose:
  - a. holding juvenile offenders accountable for their acts
  - b. ensuring the harshest punishment
  - c. mandating that juvenile offenders hold jobs
  - d. holding juvenile offenders under house arrest



6. The chart of frequent outcomes of teen court cases reveals that
- teen courts have punishment as their primary goal.
  - are concerned about the victim.
  - teen courts isolate the offenders from society.
  - none of the above

### COMPLETION

Complete each of the following statements with the appropriate choice below. Some choices are not used.

adjudicatory hearing  
 aftercare  
 dispositional hearing  
 expungement

delinquent offender  
 neglected and abused child  
 parens patriae  
 PINS

- Some states permit juveniles to \_\_\_\_\_ their juvenile records when they reach a certain age and have committed no additional delinquent acts.
- The trial in juvenile delinquency cases is called a(n) \_\_\_\_\_.
- A \_\_\_\_\_ is a youth who has committed an act that would be a crime if committed by an adult.
- Tom has been released from the state juvenile facility after he was confined for 20 weeks. He must now check in with a government employee every week. This is called \_\_\_\_\_.
- At the \_\_\_\_\_, the judge determines the sentence for juvenile offenders.

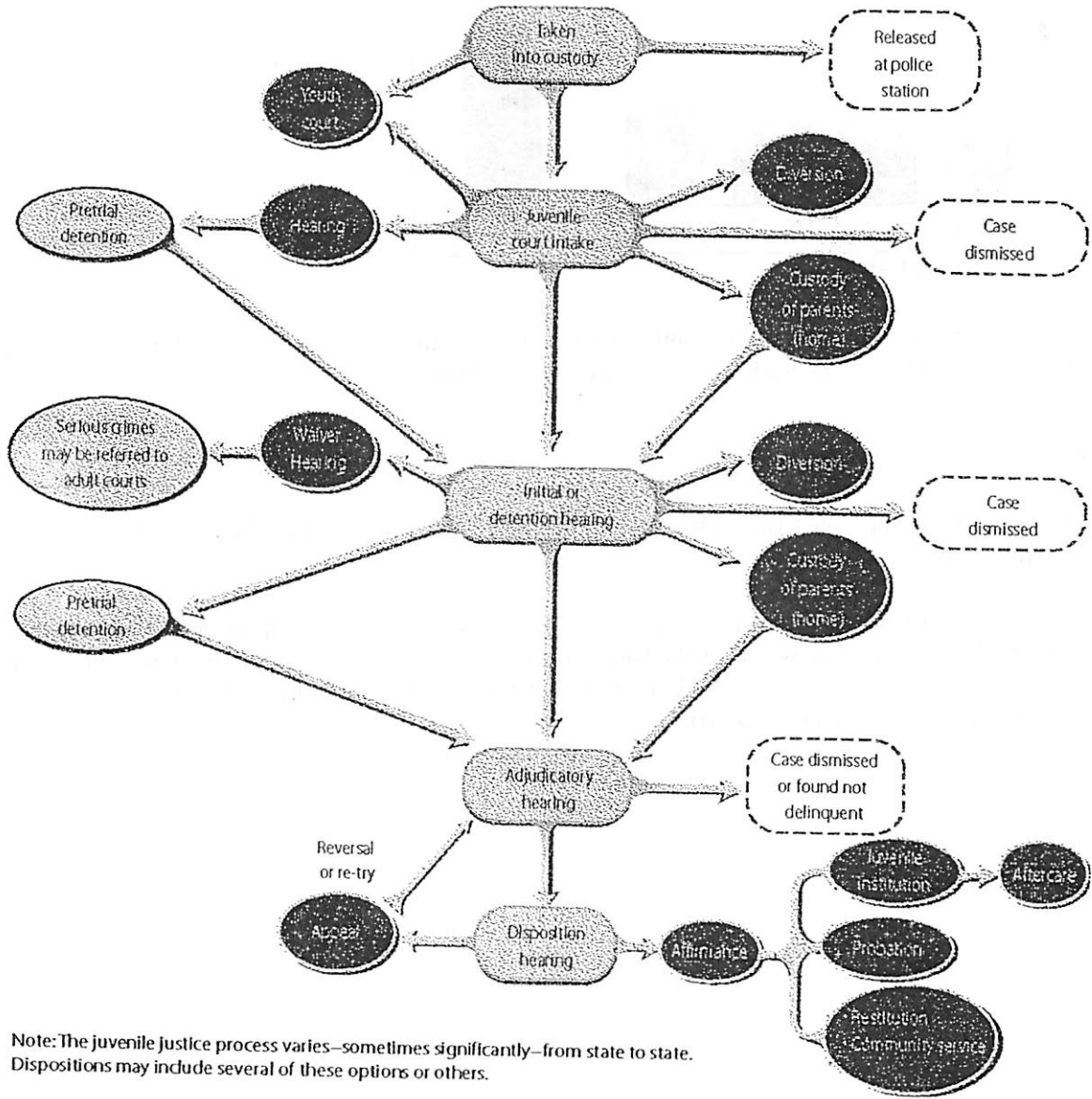
## MATCHING

*Match each term from the juvenile justice system with its counterpart in the adult system.*

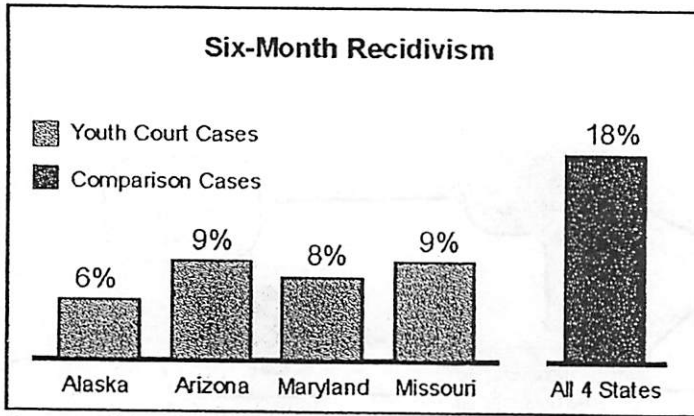
- |                      |                         |
|----------------------|-------------------------|
| a. admission         | e. disposition          |
| b. take into custody | f. found delinquent     |
| c. offense           | g. adjudicatory hearing |
| d. denial            | h. petition             |
- 
1. crime
  2. arrest
  3. file charges
  4. not guilty plea
  5. guilty plea
  6. trial
  7. found guilty
  8. sentencing



**SHORT ANSWER**



1. Review the chart and name five options that could happen to a juvenile after an initial or detention hearing.
2. What are the different dispositions that can be ordered in a juvenile case?



Source: Urban Institute, 2002

- How does the recidivism rate of youth courts compare to the recidivism rate of the comparison cases that were handled by the traditional juvenile justice system?

### ESSAY

- Apply the U.S. Supreme Court's ruling in the *Gault* case to the following facts and list three violations of a juvenile's rights.

Mildred, age 15, was arrested for shoplifting. She was searched in the department store and then taken to the police station. She was told she had no right to bail or to an attorney. She was not told the charges against her. She had a trial but the store detective who saw her take the item did not come and testify. She was not given a jury trial.

## Chapter 17—Law and Terrorism

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### MULTIPLE CHOICE

1. What is the purpose of the *USA Patriot Act*?
  - a. to trace the sources of money funding terrorists
  - b. to find and detain terrorists who enter the United States as immigrants
  - c. to intercept communications among terrorist groups
  - d. all of the above
  
2. What is an historical example of the government taking away the rights of citizens during times of crisis?
  - a. removal of people, including citizens, of Japanese heritage to internment camps
  - b. establishment of the national bank
  - c. implementation of a federal income tax
  - d. none of the above
  
3. Sneak and peek searches are
  - a. searches with warrants.
  - b. searches without warrants and with delayed notice to the person whose property has been searched.
  - c. searches without warrants and with no notice to the person whose property has been searched.
  - d. none of the above
  
4. The Foreign Intelligence Surveillance Court
  - a. was created by the *USA Patriot Act*.
  - b. has open hearings.
  - c. has published rulings.
  - d. none of the above
  
5. Military tribunals can
  - a. meet in secret.
  - b. use hearsay as evidence.
  - c. authorize the death penalty with a two-thirds vote of the judges.
  - d. all of the above

## COMPLETION

Complete each of the following statements with the appropriate choice below. Some choices are not used.

civil liberties

Department of Homeland Security

Foreign Intelligence Surveillance Court

military tribunal

sneak and peek searches

suspension of the writ of *habeas corpus*

unlawful combatants

*USA Patriot Act*

1. A historical example of the suspension of civil rights includes President Lincoln's \_\_\_\_\_.
2. \_\_\_\_\_ fight against the United States but not in a conflict between two internationally recognized governments
3. The \_\_\_\_\_ was created by Congress in 2002 to coordinate antiterrorism activities
4. \_\_\_\_\_ hear cases against defendants charged with terrorism without providing full due process rights
5. In times of crisis and terrorist attack, \_\_\_\_\_ are restricted by the government.

## MATCHING

Match each item with the correct statement below. Some items will not be used.

a. Department of Homeland Security

b. Foreign Intelligence Surveillance Court

c. military tribunal

d. present day example of government increased surveillance

e. safety and security of the country

f. sneak and peek searches

g. unlawful combatants

h. *USA Patriot Act*

1. can meet in secret and can allow hearsay as evidence
2. likely to be tried in military tribunals
3. coordinates federal antiterrorism activities
4. can authorize wiretaps to monitor communications, without probable cause
5. balanced against restrictions on civil liberties during times of crisis

1.

2.

3.

- 4.
- 5.

*Determine whether each of the characteristics below describes the U.S. Trial Courts or the Foreign Intelligence Surveillance Act Court.*

- a. U.S Trial Court
  - b. Foreign Intelligence Surveillance Act Court
6. established to gather foreign intelligence
  7. can delay notification of people whose premises have been searched
  8. must provide defendants with attorneys if they are too poor to hire one
  9. can use evidence authorized secretly in criminal trials
  10. keeps all records and rulings secret
  11. can approve wiretaps without probable cause

- 6.
- 7.
- 8.
- 9.
- 10.
- 11.

ESSAY

**The Public Library in one U.S. city provided its patrons with this notice.**

*Confidentiality and the USA Patriot Act*

**The Public Library Confidentiality Policy**

The purpose of the Confidentiality Policy is to ensure the confidentiality of borrower records at the library. Staff members and volunteers may not convey information contained in borrower records, including loan transactions, requests for information, and online sites accessed, to individuals or to any private or public agency without an order from a court of competent jurisdiction, or as otherwise required by law.

*The USA Patriot Act*

*The United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act) became law on October 26, 2001. Under provisions of the act, the Federal Bureau of Investigation (FBI) and law enforcement officials may seek court orders for Library records for investigations relevant to national security or terrorism. Libraries or librarians served with these search warrants may not disclose, under penalty of law, the existence of the warrants or the fact that records were produced as a result of the warrants. Patrons cannot be told their records were given to law enforcement agencies or that they were the subjects of FBI investigations.*

1. Describe the confidentiality policy at this library.
2. What does the *USA Patriot Act* require of libraries or librarians? Do you agree with this portion of the *USA Patriot Act*? Give your reasons.