

Instructor's Manual with Test Bank

By

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to accompany

Criminal Law Today

Fifth Edition

Frank Schmalleger

Daniel Hall

Prentice Hall

Upper Saddle River, New Jersey
Columbus, Ohio

Schmallegger Chapter 1 *The Nature and History of Criminal Law*

Multiple Choice: Choose the one alternative that best completes the statement or answers the question.

1) _____ refer to that which is laid down, ordained, or established—a body of rules of action or conduct prescribed by controlling authority, and having a binding legal force.

- A) Morals
- B) Mores
- C) Laws
- D) Norms

Answer: C

Objective: Define crime and criminal law.

Page number: 2

Level: Basic

2) What are the unwritten rules that underlie and are inherent in the fabric of our society?

- A) laws
- B) norms
- C) mores
- D) morals

Answer: B

Objective: Define crime and criminal law.

Page number: 2

Level: Basic

3) Which of these crimes is *mala prohibita*?

- A) aggravated battery
- B) murder
- C) rape
- D) possession of cocaine

Answer: D

Objective: Describe the various ways in which crimes can be classified, and list the four traditional types of crimes.

Page number: 13

Level: Intermediate

4) Which of the following is called a *summary offense*?

- A) tort
- B) felony
- C) infraction
- D) misdemeanor

Answer: C

Objective: Describe the various ways in which crimes can be classified, and list the four traditional types of crimes.

Page number: 13

Level: Intermediate

- 5) Burglary is an example of a _____.
- A) morals offense
 - B) personal crime
 - C) public order offense
 - D) property crime

Answer: D

Objective: Describe the various ways in which crimes can be classified, and list the four traditional types of crimes.

Page number: 13

Level: Intermediate

- 6) _____ law is in the form of formal written codes made by a legislature or governing body with the power to make law.
- A) Judge-made
 - B) Case
 - C) Statutory
 - D) Moral

Answer: C

Objective: Identify the various sources of criminal law, including the principle of *stare decisis*.

Page number: 17

Level: Intermediate

- 7) _____ is the legal principle that requires that courts be bound by their own earlier decisions and by those of higher courts having jurisdiction over them regarding subsequent cases on similar issues of law and fact.
- A) Jurisdiction
 - B) *Stare decisis*
 - C) Jurisprudence
 - D) Due process of law

Answer: B

Objective: Identify the various sources of criminal law, including the principle of *stare decisis*.

Page number: 17

Level: Intermediate

- 8) The part of the law that defines crimes and specifies punishments is _____.
- A) common law
 - B) substantive criminal law
 - C) *mala in se*
 - D) procedural criminal law

Answer: B

Objective: Describe the role of common law in modern criminal law, and explain the differences between procedural and substantive criminal law.

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Level: Intermediate