

Question 1

Question 1. Identify and define the six forms of evidence used in criminal trials.

Question 2. Identify and explain the hierarchy of the federal court system.

Answer: <https://biology-forums.com/index.php?topic=1927109>

Question 2

John is part of a religious group that believes you should have multiple wives. However, since John realizes that the United States criminalizes plural marriages, he officially marries only one woman at the local courthouse. While he has three other "wives," he never officially marries them in any formal ceremony. All of the women and their children live with John under one roof as a family. Have any crimes been committed by John and his family? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927282>

Question 3

Question 1. A failure of proof defense is not the same as the other leading defenses because it is not a(n) _____ defense.

Question 2. The objective component of self-defense is concerned with whether a(n) _____ person would believe the defendant's actions were justified under the circumstances.

Answer: <https://biology-forums.com/index.php?topic=1927145>

Question 4

Question 1. Subject to a few exceptions, for self-defense to apply, the nonaggressor must use no more force than is necessary to repel the aggressor. This is known as _____.

Question 2. The threat to use deadly force by brandishing a deadly weapon has long been considered a(n) _____.

Answer: <https://biology-forums.com/index.php?topic=1927146>

Question 5

Question 1. Define homicide. Explain how criminal and noncriminal homicides are distinguished.

Question 2. In those states that do practice capital punishment, just because someone is convicted of first-degree murder does not mean that person will be sentenced to death. Identify who makes the decision whether someone receives a sentence of death and discuss how this decision is made.

Answer: <https://biology-forums.com/index.php?topic=1927216>

Question 6

Question 1. A(n) _____ defense is raised in cases when the defendant argues that she chose between the lesser of two evils.

Question 2. The defense of _____ is generally not a defense to intentional killing.

Answer: <https://biology-forums.com/index.php?topic=1927161>

Question 7

Question 1. The Antiterrorism and _____ Death Penalty Act is Federal legislation that defines specific terrorism crimes and penalties.

Question 2. On May 26, 2011, Obama signed the PATRIOT Sunsets Extension Act of 2011, which gave various provisions in the Act a(n) _____-year extension.

Answer: <https://biology-forums.com/index.php?topic=1927298>

Question 8

Dana Smith was a notorious drug dealer in a dangerous inner-city neighborhood. One afternoon, Stanley Jacobs visited Dana's apartment for the purpose of buying illegal drugs. Dana sold Stanley three pills that she described as "ecstasy." When Stanley took the pills in Dana's presence, she even offered him a beer to wash them down. Two hours later, Stanley died of a drug overdose at a local hospital. The prosecutor wants to charge Dana under the felony murder doctrine and hold her responsible for Stanley's death. Is felony murder applicable to Dana's case? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927218>

Question 9

Question 1. The Modern _____ Code is a set of criminal laws adopted by the American Law Institute for states to emulate as they see fit.

Question 2. A minority opinion that is at odds with the majority opinion is known as a(n) _____.

Answer: <https://biology-forums.com/index.php?topic=1927107>

Question 10

Question 1. Identify and describe the three steps of voir dire process. Consider the upcoming trial consists of a Hispanic defendant. A total of twelve challenges for cause have already been used by the defense when a potential juror illustrates racial prejudice against individuals of Hispanic descent.

Can the defense excuse this person from serving on the jury? Why or why not? If so, how?

Question 2. James Garfalo was arrested for selling 10 grams of cocaine to an undercover police officer. At his jury trial in the state trial court, James was convicted and sentenced to two years in prison. James believes his constitutional rights were violated during the trial and wishes to appeal. What court will hear James's appeal? Assume instead that James's trial happened in a federal district court. What federal court would hear his appeal?

Answer: <https://biology-forums.com/index.php?topic=1927110>

Question 11

Question 1. Computer Fraud and Abuse Act (CFAA) is federal legislation that criminalizes various types of _____.

Question 2. Distinguish common law to modern day arson.

Answer: <https://biology-forums.com/index.php?topic=1927247>

Question 12

Question 1. Explain the insanity defense. The courts use multiple tests to determine whether a person was insane at the time of the crime. Identify and explain two of these tests.

Question 2. Identify and explain three categories of syndrome defenses, creative excuses. Provide an example of a defense within each category.

Answer: <https://biology-forums.com/index.php?topic=1927169>

Question 13

Question 1. Make my day laws are state laws that provide homeowners with considerable _____ to use force to defend their dwelling from unauthorized intruders.

Question 2. The Court has said that whether deadly force, by a law enforcement official, has been used appropriately should be judged from the perspective of a(n) _____ officer on the scene.

Answer: <https://biology-forums.com/index.php?topic=1927147>

Question 14

Question 1. If a defendant is under the age of _____ when they commit a capital crime, they cannot be executed.

Question 2. Double jeopardy prevents a second _____ for the same offense.

Answer: <https://biology-forums.com/index.php?topic=1927117>

Question 15

The Bottocellis, an Italian Mafia "family" in Chicago, are involved in a number of criminal enterprises. As part of tradition, it is generally understood that all relatives have an obligation to help the "family" whenever possible. Mario is the 18-year-old nephew of the Mafia boss. He has never discussed any illegal activity directly with his uncle or any other member of the family. One evening, however, a family member is arrested for dealing cocaine. In response, Mario bribes the arresting officer to release his relative and dispose of the evidence against him. The prosecutor believes Mario acted in agreement with other family members and wants to charge Mario with both bribery and conspiracy to commit bribery. Is Mario guilty of conspiracy? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927199>

Question 16

Question 1. Identify and explain the three rationales for excuse defenses.

Question 2. Whether and how intoxication serves as a defense to criminal liability hinges on several factors. Identify and explain these factors.

Answer: <https://biology-forums.com/index.php?topic=1927167>

Question 17

Just days before graduation, Jeremy Bates learns he failed his chemistry final and will not be graduating from high school. Determined to get "revenge," he plans to burn down the school. Jeremy's high school is constructed entirely of cinderblock and cement and contains no wood or other flammable items, however, and since Jeremy did not do well in chemistry, he does not realize that cinderblock and cement will not burn. He starts a small fire with twigs in the corner of his science classroom, but obviously the wall and floor do not catch on fire. A small black residue remains on the wall and floor. Can Jeremy be charged with arson? Why or why not? Are there any other possible crimes to charge Jeremy with?

Answer: <https://biology-forums.com/index.php?topic=1927249>

Question 18

Joe discovers that his wife is having an affair after twenty years of marriage. Distraught, he goes to a local bar one evening to drink away his sorrows with a few friends. During the evening, Joe announces a plan to kill his wife and her lover. His friend Brian responds, "Sounds like a great idea. She deserves to die for what she did." Two days later, Joe fatally shoots his wife and her companion. Can Brian be charged as an accomplice? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927187>

Question 19

Question 1. This criminal defense is based on a chromosome defect where there is the presence of an extra _____ chromosome.
Question 2. Creative Excuses are organized into three categories, which are known as _____ defenses.
Answer: <https://biology-forums.com/index.php?topic=1927166>

Question 20

Question 1. An act is considered _____ when it is in some way willed by the actor.
Question 2. _____ possession is property that is either held by the individual or attached to them in some fashion.
Answer: <https://biology-forums.com/index.php?topic=1927133>

Question 21

Question 1. When an entrapment decision is based on the offender's predisposition, this is known as a(n) _____ inquiry.
Question 2. People who are below a certain age threshold cannot form, according to the law, the requisite _____ to be convicted of a crime.
Answer: <https://biology-forums.com/index.php?topic=1927163>

Question 22

Question 1. Compare and contrast subjective and objective inquiry in relation to the entrapment defenses. Which approach does the U.S. Supreme Court take with regard to the entrapment defense?
Question 2. There are three main mechanisms for treating juveniles as adults. Identify and describe these mechanisms.
Answer: <https://biology-forums.com/index.php?topic=1927168>

Question 23

Question 1. In Common Law, children over age _____ have the same capacity to offend as adults.
Question 2. The _____ defense examines the defendant's mental state at the time of the crime to determine if he or she is criminally responsible.
Answer: <https://biology-forums.com/index.php?topic=1927164>

Question 24

Question 1. Identify and explain the limitations to the felony murder rule.
Question 2. Joey McGrady was driving under the influence of alcohol when he lost control and collided with Melissa Jacobs's car. Melissa was 35 weeks pregnant at the time of the accident. After the accident, Melissa gave birth to a baby boy, Seth, who lived only 11 hours before dying from injuries he sustained in the car crash. The prosecutor charged Joey with vehicular homicide for Seth's death. Joey argues that Seth was not "alive" at the time of the accident so he cannot be charged with homicide. Can Joey be charged with vehicular homicide? Why or why not?
Answer: <https://biology-forums.com/index.php?topic=1927217>

Question 25

Question 1. The defendant is in possession of a weapon while committing the crime of robbery is known as _____ robbery.
Question 2. A type of assault in which the criminal intentionally places another person in fear of an imminent battery is the offense of _____ battery assault.
Answer: <https://biology-forums.com/index.php?topic=1927235>

Question 26

Question 1. Compare and contrast pornography and obscenity.
Question 2. Define and discuss the legality of incest, bigamy and polygamy.
Answer: <https://biology-forums.com/index.php?topic=1927280>

Question 27

Question 1. The individual charged with committing the crime is the _____.
Question 2. Having a formal system of criminal laws helps ensure that the _____ seeks justice, rather than private individuals.
Answer: <https://biology-forums.com/index.php?topic=1927106>

Question 28

Question 1. There are three basic elements to criminal liability: actus reus, mens rea, and _____.
Question 2. In general, a person cannot be guilty of a crime unless he or she commits a(n) _____ act.
Answer: <https://biology-forums.com/index.php?topic=1927132>

Question 29

Question 1. Purposeful termination of life by someone other than the patient is called _____.
Question 2. The Ford Motor Company's inaction regarding the faulty fuel tank design is an example of _____ murder.
Answer: <https://biology-forums.com/index.php?topic=1927215>

Question 30

Judy Smart is a 17-year-old high school junior. One Saturday night, she is drinking beer with a number of her high school friends in the basement of her home. Judy's parents, Bob and Mary Smart, are home at the time. They did not buy the beer the underage minors are consuming, but they are aware of the party in their basement. Bob and Mary Smart do nothing to stop the party. On the way home, one intoxicated minor is killed when she drives her car into a ditch. Can Bob and Mary Smart be charged with a crime? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927188>

Question 31

Question 1. What is solicitation, and how does it differ from conspiracy and attempt?

Question 2. Joseph is a member of the notorious Crips gang, while Walter is a member of the Aryan Brotherhood. These two organizations are often engaged in violent confrontations, often motivated by racial hatred. One evening, Joseph enters an area of the city within the control of the Aryan Brotherhood and is attacked by Walter. Joseph survives the encounter but is severely beaten. Joseph suffers a broken nose, a broken jaw, severe facial lacerations, and internal bleeding. The prosecutor wants to charge Walter with battery and attempted murder. Walter is challenging the attempted murder charge, claiming that he only wanted "to teach Joseph a lesson" about trespassing on the Brotherhood's land and that he never intended to kill him. Is Walter guilty of attempted murder? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927198>

Question 32

Question 1. Explain how the law serves to protect offenders.

Question 2. Identify and define the five sources of the criminal law.

Answer: <https://biology-forums.com/index.php?topic=1927108>

Question 33

Question 1. Compare and contrast common law burglary to modern law burglary.

Question 2. Discuss the jurisdiction problems of cybercrime.

Answer: <https://biology-forums.com/index.php?topic=1927248>

Question 34

Question 1. Compare and contrast forgery and uttering.

Question 2. Michael Janson is a local police officer. One evening, Janson pulled over George McCain for making an illegal lane change without a signal. Janson insisted that George exit the vehicle and searched him. Throughout the interaction, George believed the officer was following proper police protocol. It was later discovered, however, that during the search Officer Janson removed George's wallet from his back pocket without his knowledge. Did Officer Janson commit larceny? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927266>

Question 35

Question 1. Marriage between two persons when one is married to another person is known as _____.

Question 2. Compare and contrast rioting to unlawful assembly.

Answer: <https://biology-forums.com/index.php?topic=1927279>

Question 36

Joey offers to sell Melissa the latest version of a popular gaming system for only \$25 cash, although in the store it generally costs over \$200. The deal seems too good to be true, and Melissa assumes that the gaming system is stolen. If Melissa purchases the item, is she guilty of receiving stolen property? What if Joey tells Melissa that the gaming system "fell off the back of a truck"? Does that change Melissa's potential liability? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927267>

Question 37

Joseph is interested in child pornography and often searches the Internet for pictures of children engaged in sexual activity. One evening, Joseph downloads a piece of "virtual child pornography," which is completely computer generated and does not involve the use of child actors. Has Joseph committed a crime? Why or why not? What if the video involved 18-year-old actors who physically appeared to be only 14 years old?

Answer: <https://biology-forums.com/index.php?topic=1927281>

Question 38

Scott Murphy is a freshman in college and recently decided to pledge a fraternity, Chi Gamma Omega. As a "pledge" of the fraternity, Scott is forced to participate in a number of initiation activities in order to become a brother of Chi Gamma Omega. Specifically, one night Scott was held down on the ground while other brothers poured shots of vodka into his mouth. Severely intoxicated by the initiation ritual, later that evening Scott broke into a female student's dorm room and sexually assaulted her. Scott is claiming that he mistakenly believed he was entering the room of his girlfriend. Is

Scott entitled to the defense of involuntary intoxication? Why or why not?

Answer: <https://biology-forums.com/index.php?topic=1927170>

Question 39

Question 1.If a criminal defendant meets one of the conditions for involuntary intoxication, he or she will be able to assert an involuntary intoxication defense and, if successful, will be entitled to a(n) _____.

Question 2.The _____ defense is based on the belief that someone should not be convicted of a crime that the government instigated.

Answer: <https://biology-forums.com/index.php?topic=1927162>

Question 40

Jack Oberman is a pharmacist at a local drug store and has never engaged in any form of illegal activity. Local police officers received reports that the drug store was filling illegal prescriptions for OxyContin, a strong painkiller often sold on the streets. An undercover officer approached Jack on five separate occasions, claiming that he had a daughter suffering from a terminal illness who was in severe pain and discomfort. The undercover officer claimed he could not afford medical treatment and asked Jack to illegally provide him with OxyContin for his daughter. Jack refused on the first four occasions, but he finally consented after hearing the horrific stories of the young girl's suffering. Jack handed the undercover officer 10 OxyContin pills and was subsequently arrested. Is he entitled to the defense of entrapment? Would he be successful under both the objective and subjective tests?

Answer: <https://biology-forums.com/index.php?topic=1927171>

Question 41

Question 1.The insanity defense is a(n) _____ concept, so just because someone may be medically diagnosed as insane, he or she may not succeed with an insanity defense.

Question 2.The _____ test is an insanity test that determines whether the criminal activity is the product of a mental disease or defect.

Answer: <https://biology-forums.com/index.php?topic=1927165>