

Chapter 1
COURTS, CRIME, AND CONTROVERSY

TEST BANK

MULTIPLE CHOICE

1. The most influential actor in the courthouse is the:
- a. judge
 - b. defense attorney
 - c. clerk of court
 - d. prosecutor

ANS: D REF: Identifying the Actors in the Courthouse OBJ: 3
Bloom's: Remember

2. A trial by a judge without a jury is called a:
- a. summary trial
 - b. bar trial
 - c. bench trial
 - d. trial de novo

ANS: C REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

3. The operation of two separate and distinct court systems in the United States is referred to as:
- a. a dual court system
 - b. checks and balances
 - c. separate but equal
 - d. judicial federalism

ANS: A REF: An Overview of the U.S. Courts OBJ: 1 Bloom's: Remember

4. Coercive police practices are a violation of this essential element of due process.
- a. equal protection
 - b. the third degree
 - c. self-incrimination
 - d. fundamental fairness

ANS: D REF: Law in Action OBJ: 5 Bloom's: Remember

5. The key goal of the crime control model is:
- a. repression of criminal conduct
 - b. the rights of defendants
 - c. the rights of victims
 - d. the integrity of the courts

ANS: A REF: Courts and Controversy OBJ: 6 Bloom's: Remember

6. The three main components of the American Criminal Justice system are:
- a. federal, state and local
 - b. judges, prosecutors, and defense attorneys
 - c. police, courts, and corrections
 - d. probation, prison, and parole

ANS: C REF: Courts and the Criminal Justice System OBJ: 1 Bloom's: Remember

7. Which of the following is not true of "law in action"?
- a. Focus on human factors governing application of law
 - b. Stresses the importance of discretion
 - c. Strict enforcement of laws and adherence to procedures
 - d. Prosecutors use discovery to encourage guilty pleas

ANS: C REF: Law in Action OBJ: 5 Bloom's: Remember

8. According to the text, a good deal of the political rhetoric about crime focuses on...
- a. prosecutors
 - b. police
 - c. the criminal courts
 - d. judges

ANS: C REF: Courts and Crime OBJ: 1 Bloom's: Remember

9. Jurors expectations of forensic evidence in even the most mundane of cases has been called...
- a. the DNA effect
 - b. the CSI effect
 - c. the science effect
 - d. the BSU effect

ANS: B REF: Media Depictions and Distortions of Criminal Courts OBJ: 1
Bloom's: Remember

10. The numerous public agencies involved in implementing public policy concerning crime are referred to as:
- a. the court system
 - b. the corrections system
 - c. the law enforcement system
 - d. the criminal justice system

ANS: D REF: Courts and the Criminal Justice System OBJ: 1 Bloom's: Remember

11. Criminal justice is best viewed as a system and a...
- a. conglomerate
 - b. business
 - c. nonsystem
 - d. victim's agency

ANS: C REF: Courts and the Criminal Justice System OBJ: 2 Bloom's: Remember

12. Which of the following is not one of the justice professionals in the courthouse?
- a. social services personnel
 - b. prosecutors
 - c. judges
 - d. police

ANS: A REF: Identifying Actors in the Courthouse OBJ: 3 Bloom's: Remember

13. What is the name of a request for a judge to make a decision?
- a. an affidavit
 - b. a warrant
 - c. a motion
 - d. a judgment

ANS: C REF: Following the Steps of the Process OBJ: 1 Bloom's: Remember

14. If the grand jury finds probable cause to hold the defendant for trial it returns a...
- a. warrant
 - b. no true bill
 - c. true bill
 - d. Alford bill

ANS: C REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

15. Which of the following is the federal court of last resort in the United States?
- a. U.S. District Court
 - b. U.S. Court of Criminal Appeals
 - c. U.S. Supreme Court
 - d. U.S. Magistrate Court

ANS: C REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

16. Courts can be classified according to their function (rather than jurisdiction) into:
- a. local, state, and federal courts
 - b. substantive and procedural
 - c. national and multinational courts
 - d. trial and appeals courts

ANS: D REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

17. In contrast to federal judges, most state judges are:
- a. appointed by the governor
 - b. appointed by the state legislature
 - c. appointed by the state supreme court
 - d. elected

ANS: D REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom's: Remember

18. After arrest, arrestees are brought before a judge and advised of their rights, the charges against them, and given a chance to make bail at the:

- a. pretrial hearing
- b. initial appearance
- c. arraignment
- d. preliminary hearing

ANS: B REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

19. Which of the following is true of grand juries?

- a. They are used by all states
- b. They deliberate in open hearings
- c. They issue an indictment in most cases
- d. They are utilized only in misdemeanor cases

ANS: C REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

20. Around ninety percent of felony convictions result from:

- a. a plea bargain
- b. a trial by jury
- c. a bench trial
- d. a preliminary hearing

ANS: A REF: Law in Action OBJ: 5 Bloom's: Remember

21. Which of the following is a characteristic of the due process model of criminal justice?

- a. Concern for the rights of defendants
- b. Efficiency is the main goal
- c. Eliminating loopholes for defendants
- d. Stress on informal fact-finding

ANS: A REF: Courts and Controversy OBJ: 6 Bloom's: Remember

22. Which of the following is a characteristic of the crime control model of criminal justice?

- a. The process resembles an obstacle course for the prosecution and police
- b. Stresses formal and court fact-finding
- c. Concern for speed and protecting society
- d. Focus on the rights of defendants

ANS: C REF: Courts and Controversy OBJ: 6 Bloom's: Remember

23. The overall conviction rate at trial for felonies is upward of:

- a. 60 percent
- b. 70 percent
- c. 80 percent
- d. 90 percent

ANS: D REF: Identifying the Actors in the Courthouse OBJ: 4
Bloom's: Remember

24. Most people in the United States learn about the ways in which criminal cases are processed through the courts from what source?
- a. college
 - b. the media
 - c. internet blogs
 - d. government informational bulletins

ANS: B REF: Media Depictions and Distortions of Criminal Courts OBJ: 5
Bloom's: Remember

25. The United States Supreme Court often hears fewer than _____ cases each term (year).
- a. 100
 - b. 85
 - c. 250
 - d. 1,000

ANS: B REF: 6 OBJ: 2 Bloom's: Remember

26. By and large, criminal defendants are:
- a. young, poor, uneducated, and male
 - b. young, poor, and female, and a member of a minority group
 - c. young, poor, male, and minority
 - d. middle-aged, male, uneducated, and a repeat offender

ANS: A REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom's:
Remember

27. Proponents of the due process model of criminal justice believe all of the following, except:
- a. The courts' priority should be to protect the rights of the individual.
 - b. The belief in the need to reform people through rehabilitation.
 - c. That the court system is fundamentally unfair to poor and minority defendants.
 - d. Informal fact-finding is sufficient to prevent false convictions.

ANS: D REF: Courts and Controversy OBJ: 6 Bloom's: Remember

28. The Supreme Court's opinion in *Brown v. Mississippi* was based on:
- a. the Fourteenth Amendment due process clause
 - b. the Fifth Amendment right against self-incrimination
 - c. the Fourth Amendment right against unreasonable seizures
 - d. the Eighth Amendment prohibition against cruel and unusual punishment

ANS: A REF: Law in Action OBJ: 5 Bloom's: Remember

29. A lower trial court would only handle the initial stages of which type of case?

- a. Public drunkenness
- b. Petty theft
- c. Disorderly conduct
- d. Robbery

ANS: D REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

30. In grand jury proceedings, the burden of proof for the prosecutor is:

- a. reasonable suspicion
- b. proof beyond a reasonable doubt
- c. probable cause
- d. clear and convincing evidence

ANS: C REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

31. Which of the following does not take place at arraignment?

- a. formal charges read and copy provided to defendant
- b. determination made as to existence of probable cause
- c. defendant called upon to enter plea
- d. defendant advised of rights

ANS: B REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

32. The importance of the Supreme Court is measured in terms of:

- a. the cases it does not hear.
- b. the sheer volume of cases that they are required to hear each year.
- c. the wide-ranging impact their decisions have on all stages of the process.
- d. none of these answers is correct

ANS: C REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

33. What type of crime is generally handled by major trial courts?

- a. misdemeanor crimes
- b. violations
- c. felony crimes
- d. all crimes

ANS: C REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

34. During a preliminary hearing, the prosecutor must prove to _____ that a crime was committed and that there is probable cause to believe the defendant committed the crime.

- a. the grand jury
- b. a judge
- c. a jury
- d. the District Attorney

ANS: B REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

35. The dominant reality of contemporary sentencing is:
- a. the use of structured sentencing to eliminate wide variations in sentences.
 - b. prison overcrowding.
 - c. the decreased used of intermediate sanctions in favor of active sentences.
 - d. rehabilitation to reduce recidivism.

ANS: B REF: Following the Step of the Process OBJ: 1 Bloom's: Remember

36. This principle distributes government power between national and state governments, creating decentralization that compounds the fragmentation of the criminal justice system.
- a. federalism
 - b. utilitarianism
 - b. deconstructionism
 - d. nationalism

ANS: A REF: Courts and the Criminal Justice System OBJ: 1 Bloom's: Remember

37. The federal government and most states have created two levels of appellate courts:
- a. lower and major
 - b. state and federal
 - b. district and superior
 - d. intermediate and supreme

ANS: D REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

38. These motions contend that police conducted an illegal search/seizure or obtained a confession in violation of the defendant's constitutional rights.
- a. motion to strike
 - b. motion to vacate
 - b. motion to suppress
 - d. motion to dismiss

ANS: B REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

39. Which of the following is not an element of "law on the books"?
- a. legal duties of the main actors
 - b. structure of the courts
 - c. careful use of discretion
 - d. steps in the criminal justice process

ANS: C REF: Law on the Books OBJ: 5 Bloom's: Remember

CRITICAL THINKING SCENARIOS

CASE 1.1

The creation of "designer drugs" is outpacing the ability of society to enact laws to prohibit them. Many of these substances have negative side effects, ranging from violent behavior to

death.

40. Which of the following responses to the problem would best fit the “crime control” philosophy?
- Government takes steps to limit the availability of ingredients used in the manufacture of designer drugs.
 - Design a public awareness campaign to warn potential users of the dangers presented by use of these drugs.
 - Partner with community leaders to identify underlying social issues promoting the drug subculture.
 - Pass legislation and increase enforcement efforts to send a message of “zero tolerance” to those who manufacture, sell, and use designer drugs.

ANS: D REF: Courts and Controversy OBJ: 6 Bloom’s: Remember

41. Which of the following responses to the problem would best fit the “due process” philosophy?
- Government takes steps to limit the availability of ingredients used in the manufacture of designer drugs.
 - Pass legislation and increase enforcement efforts to send a message of “zero tolerance” to those who manufacture, sell, and use designer drugs.
 - Dramatic increase in the use of drug courts to divert first-time offenders and defer prosecution.
 - Design public awareness campaign to warn potential users of the serious legal ramifications if they are caught with the drugs.

ANS: C REF: Courts and Controversy OBJ: 6 Bloom’s: Remember

CASE 1.2

Politicians have expressed their outrage at the designer drug problem by enacting legislation targeting manufacture, sale, and possession that require mandatory minimum sentences. The police across the country start making arrests based on this new legislation.

42. Which of the following aspects of the criminal justice process exemplify “law on the books”?
- Police Mirandize a suspect and obtain a voluntary confession.
 - At initial appearance, the judge sets a low bail because the jail is overcrowded.
 - The prosecutor meets with the defense attorney to discuss the terms of a plea agreement.
 - Upon accepting the plea, the judge sentences the defendant based on his own discretion.

ANS: A REF: Law on the Books OBJ: 5 Bloom’s: Remember

43. Which of the following aspects of the criminal justice process exemplify “law in action”?
- Police Mirandize a suspect and obtain a voluntary confession.
 - At initial appearance, the defendant is advised of his rights and bail is set according to the

bond schedule.

- c. The prosecutor meets with the public defender to discuss the terms of a plea agreement.
- d. Upon pleading guilty, the defendant is dissatisfied with the sentence and appeals.

ANS: C REF: Law in Action OBJ: 5 Bloom's: Remember

CASE 1.3

As a result of increased enforcement efforts, the courts and correctional facilities are inundated with mostly low-level drug offenders. Public support of the newest campaign in the war on drugs is starting to wane as increasing taxes to build new jails to house pretrial detainees are discussed.

44. Which of the following is not part of the “crime control” belief system?
- a. Individual responsibility is at issue when considering the ramifications of drug abuse.
 - b. “Speedy trial” legislation should be enacted to ensure that justice is not delayed.
 - c. The adversarial process at trial achieves the correct result.
 - d. Incarceration achieves the dual result of deterrence and increased public safety.

ANS: C REF: Courts and Controversy OBJ: 6 Bloom's: Remember

45. Which of the following is not part of the “due process” belief system?
- a. The war on drugs has a disproportionate effect on racial minorities.
 - b. “Speedy trial” legislation should be enacted to ensure that justice is not delayed.
 - c. The adversarial process at trial achieves the correct result.
 - c. Rehabilitation achieves the dual result of deterrence and increased public safety.

ANS: B REF: Courts and Controversy OBJ: 6 Bloom's: Remember

TRUE/FALSE

1. The term “dual court system” refers to separate state and federal courts.

ANS: T REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

2. Approximately 2.5 million people work in the criminal justice system.

ANS: T REF: Courts and the Criminal Justice System OBJ: 1 Bloom's: Remember

3. The organization of prosecutors in the United States is consistent across the state and federal criminal justice system.

ANS: F REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom's:

Remember

4. The decisions of trial courts may be reviewed by appellate courts.

ANS: T REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

5. Federal judges are elected in district-wide elections.

ANS: F REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom's: Remember

6. In the crime control model, one goal is to process defendants quickly.

ANS: T REF: Courts and Controversy OBJ: 6 Bloom's: Remember

7. The due process model emphasizes protecting the rights of the individual.

ANS: T REF: Courts and Controversy OBJ: 6 Bloom's: Remember

8. The judge is generally the most influential official of the court house actors.

ANS: F REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom's: Remember

9. In the United States, separate systems of federal courts and state courts exist.

ANS: T REF: An Overview of U.S. Courts OBJ: 2 Bloom's: Remember

10. Appellate courts review the evidence presented a trial and determine if the jury reached a fair verdict.

ANS: F REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

11. In a criminal case, neither side is required disclose any of the evidence they will present or witnesses they will call to the opposing party.

ANS: F REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

12. Grand juries indict in only a small percentage of the cases brought to them by the prosecutor.

ANS: F REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

13. Coerced confessions are admissible only if they are proven to be reliable.

ANS: F REF: Law in Action OBJ: 5 Bloom's: Remember

14. Plea negotiations are governed by informal understandings of what sentence is appropriate for a given type of defendant.

ANS: T REF: Following the Steps of the Process OBJ: 4
Bloom's: Remember

15. The U.S. Supreme Court and state supreme courts can largely select which cases they want to hear.

ANS: T REF: An Overview of the U.S. Courts OBJ: 2 Bloom's: Remember

16. A defendant will be asked to enter a plea to the charges at arraignment.

ANS: T REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

17. Most criminal defendants hire a private lawyer for their defense.

ANS: F REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom's:
Remember

18. Most state judges are appointed by the President and confirmed by the Senate.

ANS: F REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom's:
Remember

19. Defendants and victims are the most important actors in the courthouse.

ANS: F REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom's:
Remember

20. Advocates of the crime control model of criminal justice believe that unless crime is controlled, the rights of law-abiding citizens will not be protected, and the security of society will be diminished.

ANS: T REF: Courts and Controversy OBJ: 6 Bloom's: Remember

21. "Law on the books" is found in the Constitution, legislative statutes, administrative rules and regulations, and court opinions.

ANS: T REF: Law on the Books OBJ: 5 Bloom's: Remember

22. The "law in action" represents an idealized view of law, one that stresses an abstract set of rules that fails to take real people into account.

ANS: F REF: Law in Action OBJ: 5 Bloom's: Remember

23. Defense attorneys are often successful at securing not guilty verdicts at trial.

ANS: F REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

24. The majority of crimes committed are violent crimes.

ANS: F REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

25. Under discovery rules, defense attorneys are required to provide all requested information to the prosecutor prior to trial.

ANS: F REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

COMPLETION

1. The Wickersham Commission (1931) defined the _____ as "the inflicting of pain, physical or mental, to extract confessions or statements."

ANS: third degree

REF: Law in Action OBJ: 5 Bloom's: Remember

2. The public often blames _____ for allowing guilty defendants to go free on “technicalities”.

ANS: appellate courts

REF: Courts and Crime OBJ: 1 Bloom’s: Remember

3. One of the most fundamental rights granted to those accused of violating the criminal law is _____.

ANS: trial by jury

REF: Following the Steps of the Process OBJ: 4 Bloom’s: Remember

4. _____ courts are divided into major and lower courts.

ANS: Trial

REF: An Overview of the U.S. Courts OBJ: 2 Bloom’s: Remember

5. In _____ courts, no trials are held, no jurors are employed and no witnesses are heard.

ANS: appellate

REF: An Overview of the U.S. Courts OBJ: 2 Bloom’s: Remember

6. The _____ is the most influential of the courthouse actors.

ANS: prosecutor

REF: Identifying the Actors in the Courthouse OBJ: 3 Bloom’s: Remember

7. Crimes fall into three categories—felonies, misdemeanors, and _____.

ANS: violations

REF: Following the Steps of the Process OBJ: 4 Bloom’s: Remember

8. The term “_____” refers to the exchange of information prior to trial.

ANS: discovery

REF: Following the Steps of the Process OBJ: 4 Bloom’s: Remember

9. In felonies, bail is usually first set at the initial _____ stage of the judicial process.

ANS: appearance

REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

10. _____ jury review is required in all federal felony prosecutions.

ANS: Grand

REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

11. Felony defendants enter a plea at the _____ stage of the judicial process.

ANS: arraignment

REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

12. A trial by a judge only, without a jury is called a(n) _____ trial.

ANS: bench

REF: Following the Steps in the Process OBJ: 4 Bloom's: Remember

13. The due process model focuses on the rights of the _____.

ANS: defendant (or individual)

REF: Courts and Controversy OBJ: 6 Bloom's: Remember

14. American government is based on the principle of _____, which distributes government power between national (usually referred to as federal) and state governments.

ANS: federalism

REF: Courts and the Criminal Justice System OBJ: 1 Bloom's: Remember

15. In *Brown v. Mississippi*, the U.S. Supreme Court ruled that confessions obtained as a result of physical torture were inadmissible in court as they violated the essential elements of _____.

ANS: due process

REF: Law in Action OBJ: 5 Bloom's: Remember

16. For misdemeanor defendants, the initial _____ is typically the defendant's only courtroom encounter; three out of four plead guilty and are sentenced immediately.

ANS: appearance

REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

17. Pretrial _____ is largely limited to defendants who have committed serious crimes.

ANS: detention

REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

18. The standard of proof for the prosecutor at a preliminary hearing is _____.

ANS: probable cause

REF: Following the Steps of the Process OBJ: 4 Bloom's: Remember

19. The "law in action" related to discovery is that prosecutors reveal information about their case to the defense in order to obtain a _____.

ANS: guilty plea

REF: Law in Action OBJ: 5 Bloom's: Remember

20. The "law on the books" articulates _____ rules relating to the formal and informal exchange of information before trial.

ANS: discovery

REF: Law on the Books OBJ: 5 Bloom's: Remember

ESSAY

1. Contrast the due process and crime control models of criminal

ANS:

The crime control model's key goal is the repression of criminal conduct, which is accomplished by apprehending, convicting, and punishing offenders. The crime control model advocates expeditious processing of offenders and reliance on informal fact-finding by the police and prosecutors to achieve the correct result. Crime is a breakdown of individual responsibility and self-control and that punishment acts a deterrent, as well as incapacitates offenders. The elimination of "loopholes" like the exclusionary rule and insanity defense are necessary to keep offenders from "beating the system."

The due process model emphasizes protecting individual rights. Though concerned about crime, they believe that granting too much leeway to police will only result in loss of freedom and civil liberties of all. The due process model supports the presumption of innocence and believes that formal fact-finding in an adversarial process will achieve the correct result. What the crime control model views as “obstacles to justice,” are seen by due process advocates as necessary checks on unwarranted prosecutions. Emphasis is on the need to reform people through rehabilitation, which is best accomplished through increased use of community-based sentencing alternatives rather than prison sentences.

REF: Courts and Controversy

OBJ: 6 Bloom’s: Understand

2. List the steps in processing a typical felony case. Briefly describe what happens at each step.

ANS:

Crime, arrest, initial appearance, bail, preliminary hearing, prosecutors’ charging decision, grand jury review and indictment, arraignment on charges, pretrial discovery and suppression of evidence, plea negotiation, trial, sentencing, appeal. (Refer to figure 1.3 for descriptions)

REF: Following the Steps of the Process

OBJ: 4 Bloom’s: Understand

3. Describe some of the key differences between the “law on the books” and the “law in action”.

ANS: The law on the books describes what the law “should be” based on the articulated rules of American law found in constitutions, cases, judicial opinions, and administrative rules and regulations. The law on the books differs significantly from the law in action in many respects.

The law in action reveals what “actually happens” in criminal courts. Examples may include the realities that while there are about 12 million arrests each year, about half actually result in filing of charges. Grand juries are groups of citizens who are given the responsibility for charging in felony cases, but they almost always indict the defendants prosecutors want charged. Felony defendants have a right to file a motion to suppress unconstitutionally seized evidence, but those motions are rarely granted.

REF: Law on the Books/Law in Action

OBJ: 5 Bloom’s: Analyze

4. Discuss the Casey Anthony case, including whether or not the case is a typical criminal case. What does the statistical data tell us about the similarities/differences?

ANS:

First, she was charged with murder. Murder and non-negligent homicide cases account for less than 1/10 of 1 percent of all criminal arrests. Second, she was charged with capital murder, meaning she could have received the death penalty if convicted. Very few homicides are death-penalty eligible. Third, her case went to trial, rather than being plea-bargained like 90-95 percent of all felony cases. Fourth, Casey Anthony was acquitted at trial, when the overall conviction rate at trial is around 90 percent. Finally, the initial criminal investigation and resulting court case was the subject of intense media coverage and public debate.

REF: Media Depictions and Distortions of Criminal Courts
4 Bloom's: Analyze OBJ:

5. Contrast the roles of trial and appellate courts.

ANS:

Most courts are trial courts. This is where trials are held, jurors are sworn, and witnesses are questioned. Trial courts are divided into major and lower courts. In lower courts, minor offenses are tried in front of a judge and the initial stages of felony cases—first appearance, arraignment, probable cause hearings—are held. Major trial courts handle the final phases of felony prosecutions, whether the defendant enters a guilty plea or takes the case to trial. Upon conviction, the defendant is sentenced.

Appellate courts review the decisions made by trial courts when issues are raised on appeal. In appellate courts, lawyers argue whether previous decisions correctly or incorrectly followed the law. Appellate review is not a trial. No witnesses are questioned and no jurors are called upon to render a decision.

There are two levels of appellate courts at both the state and federal level: intermediate courts, which must hear all cases, and supreme courts, which pick and choose which cases they hear. The ultimate appellate court in the U. S. is the U. S. Supreme Court.

REF: An Overview of U.S. Courts OBJ: 2 Bloom's: Apply

6. Discuss the function and importance of the grand jury.

ANS:

The grand jury is designed as a check on unwarranted prosecutions. All federal prosecutions and about half of the states require grand juries. The defendant and his/her attorney are not allowed to present evidence, call witnesses, or even be physically present. Grand jury proceedings are held in secret. Prosecutors must convince a majority of the grand jurors that a crime was committed and that there is probable cause that the defendant committed the crime. If the grand jury finds probable cause, it returns an indictment (“true bill”) that charges the defendant with the crime. If it refuses to indict the defendant, it is called a “no bill” or “no true bill.” In reality, grand juries are dominated by the prosecutor and rarely fail to indict in cases brought before them.

REF: Following the Steps of the Process OBJ: 4 Bloom's: Understand

7. Explain the function of the criminal justice system from both an interdependent system perspective as well as a fragmented non-system perspective.

ANS:

The interdependent system perspective to criminal justice dominates contemporary thinking. It highlights the fact that police, courts, and corrections are interdependent and interrelated. Though separate, they must interact with one another. What one part of the criminal justice system does or doesn't do directly affects the other two. The operations of law enforcement and corrections affect the judiciary. If more felons are arrested, the workload of prosecutors increases. The more overcrowded the prisons, the more difficult it is to make sentencing decisions. The decisions that courts make also have important consequences for law enforcement and corrections. The interdependence, however, does not necessarily translate into coordination and cooperation.

The fragmented non-system perspective highlights the fragmentation that characterizes each component of criminal justice. There are nearly 18,000 law enforcement agencies at the local, state, and federal level that operate independently of each other. There are more than 1,820 state and federal correctional facilities and thousands of local jails. Corrections also encompasses community-based corrections such as probation, drug treatment, and halfway houses. Prosecutors and courts exist at the local, county, state, district, and national level. This complexity and fragmentation can lead to conflict between the various elements of the criminal justice system.

REF: Courts and the Criminal Justice System
Understand

OBJ: 1 Bloom's:

8. Analyze the role of the media in the public's perceptions of crime and the criminal justice system. Give examples from both the news and entertainment media.

ANS:

The news media is not constrained by formal presumptions or the rules of evidence. They are free to report any information that comes their way, though the vast majority of it would never be admissible in court. They are free to speculate and, in the case of many talk shows, give personal opinions as to the guilt or innocence of the defendant. In the Casey Anthony case, the public was inundated with information about the case even prior to the arrest of Casey Anthony, with opinions already being given as to the outcome of any future legal proceedings. The presumption of innocence was left to the jury and, much to the outrage of the public, she was acquitted at trial in spite of being convicted in the court of public opinion.

Television dramas, such as CSI, are created for entertainment and tend to focus on only the most serious crimes with complex investigations requiring a multitude of scientific tests that are completed in a remarkably short period of time. Reality is quite different and often too mundane to keep an audience entertained. The popularity of these shows, along with other factors, has led to an increased expectation on the part of jurors that scientific evidence will be presented in almost all cases, known as “the CSI effect.” The expectation of scientific proof that did not materialize may have led to the acquittal of Casey Anthony.

(Students answers will vary)

REF: Media Depictions and Distortions of Criminal Courts
Bloom’s: Analyze

OBJ: 4