

1. The theory of incorporation finally adopted by the Supreme Court was _____ incorporation.
- total
 - selective
 - case-by-case
 - categorical

ANSWER: b
REFERENCES: The Incorporation Controversy
LEARNING OBJECTIVES: CPLP.DELC.17.01.08
KEYWORDS: Bloom's: Remember

2. The U.S. Supreme Court case that established the principle of judicial review was
- Mapp v. Ohio*.
 - Marbury v. Madison*.
 - Maryland v. Garrions*.
 - Tennessee v. Garner*.

ANSWER: b
REFERENCES: The Incorporation Controversy
LEARNING OBJECTIVES: CPLP.DELC.17.01.08
KEYWORDS: Bloom's: Remember

3. The doctrine of _____ allows two jurisdictions to try an individual for the same offense without violating double jeopardy.
- tandem courts
 - double court jurisdiction
 - duality of venue
 - dual sovereignty

ANSWER: d
REFERENCES: Where Judicial Decisions Apply
LEARNING OBJECTIVES: CPLP.DELC.17.01.02
KEYWORDS: Bloom's: Remember

4. Which of the following rights has not been incorporated?
- The Fifth Amendment right to grand jury review
 - The Second Amendment right to gun ownership
 - The Sixth Amendment right to an attorney
 - The First Amendment right to freedom of speech

ANSWER: b
REFERENCES: The Incorporation Controversy
LEARNING OBJECTIVES: CPLP.DELC.17.01.08
KEYWORDS: Bloom's: Remember

5. An example of selective incorporation can be found in the case of
- Palko v. Connecticut.*
 - Miranda v. Arizona.*
 - Duncan v. Louisiana.*
 - Frisbie v. Collins.*

ANSWER: c
REFERENCES: The Incorporation Controversy
LEARNING OBJECTIVES: CPLP.DELC.17.01.08
KEYWORDS: Bloom's: Remember

6. The judicial power of the federal government is created in Article _____ of the U.S. Constitution.
- I
 - II
 - III
 - IV

ANSWER: c
REFERENCES: The U.S. Court System
LEARNING OBJECTIVES: CPLP.DELC.17.01.01
KEYWORDS: Bloom's: Remember

7. What clause of the Fourteenth Amendment was the vehicle for incorporation of rights against the states?
- Due process
 - Equal protection
 - Privileges and immunities
 - Citizenship

ANSWER: a
REFERENCES: The Incorporation Controversy
LEARNING OBJECTIVES: CPLP.DELC.17.01.08
KEYWORDS: Bloom's: Remember

8. If a court has the legal authority to hear a case, this means that the court has:
- precedent.
 - equal protection.
 - due process.
 - Jurisdiction.

ANSWER: d
REFERENCES: The U.S. Court System
LEARNING OBJECTIVES: CPLP.DELC.17.01.04
KEYWORDS: Bloom's: Remember

9. U.S. magistrate courts are part of the:

- a. State Court System.
- b. Federal Court System.
- c. County Court System.
- d. None of the answers are correct.

ANSWER: b

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

10. The only court established by the U.S. Constitution was the:

- a. U.S. Court of Appeal.
- b. U.S. Supreme Court.
- c. U.S. Court of Claims.
- d. U.S. Court of Last Resort.

ANSWER: b

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

11. The ban on cruel and unusual punishment and excessive fines and bail is found in the _____ Amendment.

- a. First
- b. Fourth
- c. Eighth
- d. Ninth

ANSWER: c

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

12. The trial court in the federal system is the _____ court.

- a. common pleas
- b. criminal
- c. quarter Sessions
- d. district

ANSWER: d

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

13. The rights to speedy, public and jury trials, and to confront adverse witnesses are found in the _____ Amendment.
- a. Sixth
 - b. Seventh
 - c. Eighth
 - d. Ninth

ANSWER: a

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

14. Which is not a reason courts would consider decisions from other jurisdictions?
- a. There may be no settled law on an issue in a given area.
 - b. Decisions in other jurisdictions may enable lawyers to detect a trend and anticipate what local courts might do in the future.
 - c. Cases from other jurisdictions may be similar.
 - d. Courts are required to follow decisions made by courts in other jurisdictions.

ANSWER: d

REFERENCES: Stare Decisis and Judicial Precedent

LEARNING OBJECTIVES: CPLP.DELC.17.01.03

KEYWORDS: Bloom's: Remember

15. An easily accessible source of court decisions is:
- a. the Internet.
 - b. a local library.
 - c. a local law office.
 - d. All of the answers are correct.

ANSWER: a

REFERENCES: Court Cases

LEARNING OBJECTIVES: CPLP.DELC.17.01.09

KEYWORDS: Bloom's: Remember

16. The incorporation controversy involves the:
- a. Constitution.
 - b. Declaration of Independence.
 - c. Bill of Rights.
 - d. None of the answers are correct.

ANSWER: c

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

17. To find the case law, one would consult:

- a. statutes.
- b. constitutions.
- c. judicial opinions.
- d. administrative regulations.

ANSWER: c

REFERENCES: Court Cases

LEARNING OBJECTIVES: CPLP.DELC.17.01.09

KEYWORDS: Bloom's: Remember

18. U.S. District Court opinions are published in the:

- a. *Federal Supplement*.
- b. *Federal Reports*.
- c. *U.S. Reporter*.
- d. *U.S. Cases Review*.

ANSWER: a

REFERENCES: Court Cases

LEARNING OBJECTIVES: CPLP.DELC.17.01.09

KEYWORDS: Bloom's: Remember

19. Jurisdiction refers to the:

- a. power of a court to adjudicate cases and issue orders.
- b. location of a crime.
- c. court's power to determine constitutionality.
- d. None of the answers are correct.

ANSWER: a

REFERENCES: Jurisdiction versus Venue

LEARNING OBJECTIVES: CPLP.DELC.17.01.05

KEYWORDS: Bloom's: Remember

20. The protection against double jeopardy is found in the _____ Amendment.

- a. First
- b. Fourth
- c. Fifth
- d. Sixth

ANSWER: c

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

21. The most important rights available to an accused in a criminal prosecution come from the:
- a. state constitutions.
 - b. federal statutes.
 - c. federal court rules.
 - d. U.S. Constitution.

ANSWER: d

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

22. The concept of venue refers to:
- a. which court has jurisdiction.
 - b. the location where the case will be tried.
 - c. which judge will try the case.
 - d. the decision as to whether there will be a bench or jury trial.

ANSWER: b

REFERENCES: Jurisdiction versus Venue

LEARNING OBJECTIVES: CPLP.DELC.17.01.05

KEYWORDS: Bloom's: Remember

23. The court of last resort in most states for both civil and criminal cases is called the:
- a. court of criminal appeals.
 - b. Supreme Court.
 - c. district court.
 - d. court of appeals.

ANSWER: b

REFERENCES: Where Judicial Decisions Apply

LEARNING OBJECTIVES: CPLP.DELC.17.01.02

KEYWORDS: Bloom's: Remember

24. Federal felony criminal cases are tried in U.S. _____ Courts.
- a. district
 - b. magistrate
 - c. commissioners
 - d. common plea

ANSWER: a

REFERENCES: Federal versus State Criminal Trials

LEARNING OBJECTIVES: CPLP.DELC.17.01.04

KEYWORDS: Bloom's: Remember

25. *Stare decisis* is the principle that:

- a. a case should be tried where the crime was committed.
- b. a case can be tried in a state and a federal court.
- c. new cases should be decided in a fashion consistent with the law established in prior cases.
- d. a court must have jurisdiction to try a case.

ANSWER: c

REFERENCES: Stare Decisis and Judicial Precedent

LEARNING OBJECTIVES: CPLP.DELC.17.01.03

KEYWORDS: Bloom's: Remember

26. The U.S. Supreme Court has _____ members.

- a. five
- b. seven
- c. nine
- d. eleven

ANSWER: c

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

27. The Supreme Court has ruled that trustworthy statements obtained in violation of the *Miranda* rule may be used:

- a. against a defendant in court.
- b. in place of testimony.
- c. to impeach the credibility of a witness who takes the stand.
- d. to shame a defendant in the newspaper.

ANSWER: c

REFERENCES: The Rule of Law

LEARNING OBJECTIVES: CPLP.DELC.17.01.07

KEYWORDS: Bloom's: Remember

28. The U.S. Supreme Court hears all its cases:

- a. en banc.
- b. in panels of three.
- c. in panels of five.
- d. in divisions of three.

ANSWER: a

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

29. Prosecutions in which a crime is prosecuted in both federal and state courts are known as:

- a. horizontal prosecutions.
- b. vertical prosecutions.
- c. multiple prosecutions.
- d. sideways prosecutions.

ANSWER: b

REFERENCES: Federal versus State Criminal Trials

LEARNING OBJECTIVES: CPLP.DELC.17.01.04

KEYWORDS: Bloom's: Remember

30. The number of justices that must agree in order for a case to be heard on its merits by the U.S. Supreme Court is:

- a. four.
- b. five.
- c. six.
- d. seven.

ANSWER: a

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

31. Under the broadest notion of the rule of law:

- a. no person is above the law.
- b. the legal system is created for the rich.
- c. everyone is entitled to a great lawyer.
- d. the accused is as good as guilty.

ANSWER: a

REFERENCES: The Rule of Law

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

32. Judicial review is the power of a court to:

- a. follow precedents.
- b. overrule the U.S. Constitution.
- c. void laws or official acts which are inconsistent with the U.S. Constitution.
- d. order that courts be closed in times of martial law or war.

ANSWER: c

REFERENCES: The Judicial Review Doctrine

LEARNING OBJECTIVES: CPLP.DELC.17.01.07

KEYWORDS: Bloom's: Remember

33. In a case citation, the name of the parties is called the:

- a. case title.
- b. abstract.
- c. summary.
- d. synopsis.

ANSWER: a

REFERENCES: How to Brief a Case

LEARNING OBJECTIVES: CPLP.DELC.17.01.10

KEYWORDS: Bloom's: Remember

34. A case citation indicates:

- a. whether or not stare decisis was followed.
- b. where an opinion may be found.
- c. whether the defendant was convicted or acquitted.
- d. where the court sat when it decided the case.

ANSWER: b

REFERENCES: How to Brief a Case

LEARNING OBJECTIVES: CPLP.DELC.17.01.10

KEYWORDS: Bloom's: Remember

35. Which of the following rights has not been incorporated?

- a. The First Amendment right to freedom of speech
- b. The Fourth Amendment protection from unreasonable searches and seizures
- c. The Sixth Amendment right to an attorney
- d. The Eighth Amendment right to freedom from excessive bail

ANSWER: d

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

36. The number of U.S. Supreme Court Justice votes required to win a case in the U.S. Supreme Court when all nine justices are voting is:

- a. six.
- b. four.
- c. five.
- d. nine.

ANSWER: c

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

37. A majority of cases get to the Supreme Court from the lower courts on a:
- a. habeas corpus appeal.
 - b. certification.
 - c. writ of error.
 - d. writ of certiorari.

ANSWER: d
REFERENCES: The U.S. Court System
LEARNING OBJECTIVES: CPLP.DELC.17.01.01
KEYWORDS: Bloom's: Remember

38. U.S. Magistrates in the federal system are empowered to do all of the following, except:
- a. hold bail hearings.
 - b. try felony cases.
 - c. issue warrants.
 - d. hold pretrial hearings.

ANSWER: b
REFERENCES: Where Judicial Decisions Apply
LEARNING OBJECTIVES: CPLP.DELC.17.01.02
KEYWORDS: Bloom's: Remember

39. Police _____ in the United States is closely tied to the concept of the rule of law.
- a. jurisdiction
 - b. handbooks
 - c. behavior
 - d. accountability

ANSWER: d
REFERENCES: The Rule of Law
LEARNING OBJECTIVES: CPLP.DELC.17.01.08
KEYWORDS: Bloom's: Remember

40. The protection against self-incrimination is found in the _____ Amendment.
- a. First
 - b. Fourth
 - c. Fifth
 - d. Sixth

ANSWER: c
REFERENCES: Sources of Rights
LEARNING OBJECTIVES: CPLP.DELC.17.01.06
KEYWORDS: Bloom's: Remember

Fred has been convicted in a state trial court of first-degree murder for the premeditated killing of two people in a drive by shooting. After a full jury trial, the jury convicted him of first-degree murder. The judge at sentencing ordered that he be executed for his crime. With his attorney, he is beginning work on his appeal.

41. What is the name of the state court that will make the final decision on his appeal?

- a. District court
- b. Magistrate court
- c. Supreme court
- d. Circuit court

ANSWER: c

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Apply

42. If the state court makes a final decision to uphold his conviction and sentence, what process must he follow to request the U.S. Supreme Court to consider his case?

- a. Writ of certiorari
- b. Writ of mandamus
- c. Writ of prohibition
- d. Direct appeal

ANSWER: a

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Apply

43. How many justices of the U.S. Supreme Court must agree to hear his case?

- a. Nine
- b. Seven
- c. Four
- d. Five

ANSWER: c

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Apply

44. If the U.S. Supreme Court hears his appeal, and all nine justices vote, how many justices must vote to overturn the state court decision?

- a. Nine
- b. Five
- c. Four
- d. Seven

ANSWER: b

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Apply

Barney has been arrested for the robbery of the Miami National Bank, in Miami, Florida. He has been accused of entering the bank with an automatic weapon, pointing it at the bank manager, and demanding money. A teller pushed the silent alarm button, and officers of the Miami-Dade County, Florida police department arrived and stopped him as he exited the bank with the money. The FBI was notified and special agents arrived at the scene.

45. In which court can he be tried?
- a. Federal court only
 - b. State court only
 - c. Both federal and state courts
 - d. Neither federal nor state court

ANSWER: c

REFERENCES: Federal versus State Criminal Trials

LEARNING OBJECTIVES: CPLP.DELC.17.01.04

KEYWORDS: Bloom's: Apply

46. What is the concept that allows this prosecution?
- a. Dual sovereignty
 - b. Rule of law
 - c. Jurisdiction
 - d. Venue

ANSWER: a

REFERENCES: Federal versus State Criminal Trials

LEARNING OBJECTIVES: CPLP.DELC.17.01.04

KEYWORDS: Bloom's: Apply

Frank has been arrested for sexual assault of a twelve-year-old girl. A neighbor saw him committing the act in the back of his car. The neighbor called police, who arrived promptly, to find him still in the back of the car with the girl. The police apprehended him and took him to the city police station, where detectives are now gathering all the information to prepare to take to the local prosecutor for charges to be filed.

47. Which amendment to the U.S. Constitution applies to any interrogation by detectives that may occur?
- a. First
 - b. Second
 - c. Third
 - d. Fifth

ANSWER: d

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Apply

48. The police want to search his home for any evidence that may aid in his prosecution. Which amendment to the U.S. Constitution applies to any search?
- a. First
 - b. Fourth
 - c. Fifth
 - d. Sixth

ANSWER: b

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Apply

49. Frank wants his attorney present before he will answer any questions the detectives want to ask him. Which amendment to the U.S. Constitution applies?
- a. First
 - b. Fourth
 - c. Sixth
 - d. Seventh

ANSWER: c

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Apply

50. If the state statute authorizes the death penalty for conviction of this crime, which amendment to the U.S. Constitution would apply?
- a. First
 - b. Fourth
 - c. Fifth
 - d. Eighth

ANSWER: d

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Apply

51. The requirements for warrants are covered in the _____ Amendment.

ANSWER: Fourth

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

52. The principle of stare decisis encourages the _____ of court decisions.

ANSWER: predictability

REFERENCES: Stare Decisis and Judicial Precedent

LEARNING OBJECTIVES: CPLP.DELC.17.01.03

KEYWORDS: Bloom's: Remember

53. When a particular court senses that its prior decisions on an issue are no longer in the mainstream, it may consider _____ its holding.

ANSWER: revising

REFERENCES: Stare Decisis and Judicial Precedent

LEARNING OBJECTIVES: CPLP.DELC.17.01.03

KEYWORDS: Bloom's: Remember

54. There are _____ circuits in the U.S. Court of Appeals.

ANSWER: thirteen

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

55. The most binding kind of precedent is that set by cases decided by the _____.

ANSWER: U.S. Supreme Court

REFERENCES: Where Judicial Decisions Apply

LEARNING OBJECTIVES: CPLP.DELC.17.01.03

KEYWORDS: Bloom's: Remember

56. To grant certiorari, a minimum of _____ U.S. Supreme Court Justices must agree.

ANSWER: four

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

57. The authority of Congress to create a federal court system is found in Article _____ of the U.S. Constitution.

ANSWER: III

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

58. The officials (and their courts) that were created to relieve U.S. District Court Judges of some of their workload by trying minor offenses are called _____.

ANSWER: magistrates

REFERENCES: Where Judicial Decisions

LEARNING OBJECTIVES: CPLP.DELC.17.01.02

KEYWORDS: Bloom's: Apply

59. Most cases are dismissed by the U.S. Supreme Court _____ meaning that the decision of the immediate lower court in which the case originated is left undisturbed.

ANSWER: *per curiam*

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

60. There are _____ U.S. Court of Appeals circuits.

ANSWER: Thirteen

REFERENCES: Where Judicial Decisions Apply

LEARNING OBJECTIVES: CPLP.DELC.17.01.02

KEYWORDS: Bloom's: Remember

61. Common law and case law are both found in (or result from) court _____.

ANSWER: opinions or cases

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

62. The approach to incorporation, which focuses on the specific facts of individual cases (rather than the importance of a particular right in the abstract), is called the _____ approach.

ANSWER: case-by-case

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

63. The type of law which originated in the ancient customs of the people of England and has evolved through judicial decisions is called the _____ law.

ANSWER: common

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

64. The rule of _____ is the concept that humans are governed by laws, not the whims of individual men.

ANSWER: law

REFERENCES: The Rule of Law

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

65. The power of courts to invalidate laws or official actions that are inconsistent with the U.S. Constitution is called _____ review.

ANSWER: judicial

REFERENCES: The Judicial Review Doctrine

LEARNING OBJECTIVES: CPLP.DELC.17.01.07

KEYWORDS: Bloom's: Remember

66. The fastest and most easily accessible source of court decisions is found on the _____.

ANSWER: Internet

REFERENCES: Court Cases

LEARNING OBJECTIVES: CPLP.DELC.17.01.09

KEYWORDS: Bloom's: Remember

67. A *per* _____ decision means that the decision of the lower court is left undisturbed.

ANSWER: *curiam*

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

68. Federal courts of appeals may hear cases en _____, that is, as one body.

ANSWER: *banc*

REFERENCES: Where Judicial Decisions Apply

LEARNING OBJECTIVES: CPLP.DELC.17.01.02

KEYWORDS: Bloom's: Remember

69. The highest court in the federal court system is the _____.

ANSWER: U.S. Supreme Court

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

70. Although the structure of state courts varies, in general most state courts follow the _____ pattern.

ANSWER: *federal*

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.02

KEYWORDS: Bloom's: Remember

71. The name of the highest court in most states is the _____.

ANSWER: *supreme court*

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.02

KEYWORDS: Bloom's: Remember

72. The process to obtain review by the U.S. Supreme Court of a state supreme court decision is to apply for a writ of _____.

ANSWER: *certiorari*

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

73. _____ indicates where a case may be found in legal publications.

ANSWER: *Case citation*

REFERENCES: How to Brief a Case

LEARNING OBJECTIVES: CPLP.DELC.17.01.10

KEYWORDS: Bloom's: Remember

74. Freedom of religion is protected by the _____ Amendment to the U.S. Constitution.

ANSWER: First or 1st

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

75. Freedom from unreasonable _____ is protected by the Fourth Amendment to the U.S. Constitution.

ANSWER: searches and seizures

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

76. The right to confront witnesses is protected by the _____ Amendment to the U.S. Constitution.

ANSWER: Sixth

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

77. Many state _____ have their own bills of rights.

ANSWER: constitutions

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

78. The rules promulgated by supervisory agencies (such as some states' supreme courts) have the force and effect of _____ and therefore must be followed.

ANSWER: law

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.05

KEYWORDS: Bloom's: Remember

79. In *Marbury v. Madison* the U.S. Supreme Court first enunciated the doctrine of _____.

ANSWER: judicial review

REFERENCES: The Judicial Review Doctrine

LEARNING OBJECTIVES: CPLP.DELC.17.01.07

KEYWORDS: Bloom's: Remember

80. The concept of incorporation of the Bill of Rights to apply to the states is based on the _____ Amendment to the U.S. Constitution.

ANSWER: Fourteenth or 14th

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

81. Defendants can be tried in two different states for essentially the same crime, if the crime or an element thereof was committed in those states.

- a. True
- b. False

ANSWER: True

REFERENCES: Jurisdiction versus Venue

LEARNING OBJECTIVES: CPLP.DELC.17.01.05

KEYWORDS: Bloom's: Remember

82. The U.S. Supreme Court has adopted the theory of total incorporation.

- a. True
- b. False

ANSWER: False

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

83. Some portions of the Fifth Amendment have been incorporated into the Fourteenth Amendment's Due Process Clause.

- a. True
- b. False

ANSWER: True

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

84. All portions of the First, Fourth, and Sixth Amendments have been incorporated.

- a. True
- b. False

ANSWER: True

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

85. The rights of free speech, press, and religion are found in the First Amendment.

- a. True
- b. False

ANSWER: True

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

86. The protections against unreasonable search and seizure are found in the Fourth Amendment.

- a. True
- b. False

ANSWER: True

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

87. The number of U.S. Supreme Court Justices was set at nine in the U.S. Constitution.

- a. True
- b. False

ANSWER: False

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

88. Statutory law is law based on the customs of the people and is found in court opinions.

- a. True
- b. False

ANSWER: False

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

89. Any provision of state or federal law or action of state or federal officials which are contradictory to the U.S. Constitution is void and invalid.

- a. True
- b. False

ANSWER: True

REFERENCES: The Judicial Review Doctrine

LEARNING OBJECTIVES: CPLP.DELC.17.01.07

KEYWORDS: Bloom's: Remember

90. A case citation includes how many pages are included in the brief.

- a. True
- b. False

ANSWER: False

REFERENCES: How to Brief a Case

LEARNING OBJECTIVES: CPLP.DELC.17.01.10

KEYWORDS: Bloom's: Remember

91. The court of last resort for federal cases and cases involving federal law and the U.S. Constitution is the U.S. Supreme Court.
- a. True
 - b. False

ANSWER: True
REFERENCES: The U.S. Court System
LEARNING OBJECTIVES: CPLP.DELC.17.01.01
KEYWORDS: Bloom's: Remember

92. The ban on cruel and unusual punishment and excessive bail and fines is found in the Seventh Amendment.
- a. True
 - b. False

ANSWER: False
REFERENCES: Sources of Rights
LEARNING OBJECTIVES: CPLP.DELC.17.01.06
KEYWORDS: Bloom's: Remember

93. The Fourteenth Amendment contains an equal protection clause.
- a. True
 - b. False

ANSWER: True
REFERENCES: Sources of Rights
LEARNING OBJECTIVES: CPLP.DELC.17.01.06
KEYWORDS: Bloom's: Remember

94. Only Congress has the power of judicial review.
- a. True
 - b. False

ANSWER: False
REFERENCES: The Judicial Review Doctrine
LEARNING OBJECTIVES: CPLP.DELC.17.01.07
KEYWORDS: Bloom's: Remember

95. All of the Sixth Amendment has been incorporated.
- a. True
 - b. False

ANSWER: True
REFERENCES: The Incorporation Controversy
LEARNING OBJECTIVES: CPLP.DELC.17.01.08
KEYWORDS: Bloom's: Remember

96. The Fourteenth Amendment contains a due process clause.

- a. True
- b. False

ANSWER: True

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

97. The term stare decisis refers to a higher court's reversal of a lower court's decision.

- a. True
- b. False

ANSWER: False

REFERENCES: Stare Decisis and Judicial Precedent

LEARNING OBJECTIVES: CPLP.DELC.17.01.03

KEYWORDS: Bloom's: Remember

98. All state courts follow the federal pattern. .

- a. True
- b. False

ANSWER: False

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

99. Not accepting a case means the Supreme Court agrees with the lower court.

- a. True
- b. False

ANSWER: False

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

100. The term venue refers to the location where a crime was committed.

- a. True
- b. False

ANSWER: True

REFERENCES: Jurisdiction versus Venue

LEARNING OBJECTIVES: CPLP.DELC.17.01.05

KEYWORDS: Bloom's: Remember

101. The United States has a unitary court system.

- a. True
- b. False

ANSWER: False

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

102. The U.S. Supreme Court always decides cases en banc.

- a. True
- b. False

ANSWER: True

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

103. The U.S. Supreme Court does not have original jurisdiction in any cases.

- a. True
- b. False

ANSWER: False

REFERENCES: The U.S. Court System

LEARNING OBJECTIVES: CPLP.DELC.17.01.01

KEYWORDS: Bloom's: Remember

104. Decisions by the U.S. Supreme Court are binding on questions of federal law.

- a. True
- b. False

ANSWER: True

REFERENCES: Where Judicial Decisions Apply

LEARNING OBJECTIVES: CPLP.DELC.17.01.02

KEYWORDS: Bloom's: Remember

105. A court's jurisdiction is determined by that court.

- a. True
- b. False

ANSWER: False

REFERENCES: Jurisdiction versus Venue

LEARNING OBJECTIVES: CPLP.DELC.17.01.05

KEYWORDS: Bloom's: Remember

106. Both the federal and state constitutions are sources of rules that protect the rights of individuals.

- a. True
- b. False

ANSWER: True

REFERENCES: Sources of Rights

LEARNING OBJECTIVES: CPLP.DELC.17.01.06

KEYWORDS: Bloom's: Remember

107. The concept of judicial review is described in the U.S. Constitution.

- a. True
- b. False

ANSWER: False

REFERENCES: The Judicial Review Doctrine

LEARNING OBJECTIVES: CPLP.DELC.17.01.07

KEYWORDS: Bloom's: Remember

108. The rule of law is a long-held concept.

- a. True
- b. False

ANSWER: True

REFERENCES: The Rule of Law

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

109. The total incorporation approach provides that all the provisions of the Bill of Rights should apply to the states.

- a. True
- b. False

ANSWER: True

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

110. The case-by-case incorporation approach provides that extending the Bill of Rights applies only to that case.

- a. True
- b. False

ANSWER: True

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Remember

111. Explain the concept of dual sovereignty and how the Oklahoma City bombing could be used as an example of that concept?

ANSWER: The concept of dual sovereignty is that federal and state governments are each considered sovereign in their own right. In the Oklahoma City bombing, one of the defendants was convicted in federal court and later also convicted in state court.

REFERENCES: Federal versus State Criminal Trials

LEARNING OBJECTIVES: CPLP.DELC.17.01.04

KEYWORDS: Bloom's: Understand

112. What is meant by selective incorporation? Give an example.

ANSWER: Selective incorporation is based on the concept that only fundamental rights in the Bill of Rights should be applied to the states. An example of that is the right to an attorney, which is one of the rights contained in the Bill of Rights, that was selected by the U.S. Supreme Court, to apply to the states through the Fourteenth Amendment due process clause.

REFERENCES: The Incorporation Controversy

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Understand

113. Define the concept of judicial review and give an example. Do you agree or disagree that the courts should have the final say on what the Constitution means?

ANSWER: Judicial review is the power of courts to declare law or acts unconstitutional. *Marbury v. Madison* was the first example, where the U.S. Supreme Court found an act of Congress unconstitutional. I agree that the courts should have the final say on what the Constitution means because the courts are often less influenced by the heat of the moment partisanship.

REFERENCES: The Judicial Review Doctrine

LEARNING OBJECTIVES: CPLP.DELC.17.01.07

KEYWORDS: Bloom's: Understand

114. Define the doctrine of stare decisis and how it works. How does it relate to judicial precedent?

ANSWER: Stare decisis means to abide by or adhere to, decided cases. The judicial practice of stare decisis leads to judicial precedent, meaning that decisions of courts have value as precedent for future cases similarly circumstanced. These terms are often used interchangeably because they vary only slightly in meaning. The principle of stare decisis ensures predictability of court decisions, whereas judicial precedent is a process courts follow as a result of stare decisis. Judicial precedent is made possible by stare decisis.

REFERENCES: Stare Decisis and Judicial Precedent

LEARNING OBJECTIVES: CPLP.DELC.17.01.03

KEYWORDS: Bloom's: Understand

115. In explaining the rule of law, David Hume said that it means “a government of laws and not of men.” Explain what he meant.

ANSWER: No person is above the law; every person, from the most powerful public official down to the least powerful individual, is subject to the law and can be held accountable in court for his or her actions.

REFERENCES: The Rule of Law

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Understand

116. Explain the process of briefing a legal case. Why is case briefing helpful in understanding a case?

ANSWER: In case briefs, students read a case, break it into segments, and then reassemble it in a more concise and organized form to facilitate learning. Case briefs help readers understand court cases better and are used extensively as a learning tool in law schools and in the practice of law.

REFERENCES: How to Brief a Case

LEARNING OBJECTIVES: CPLP.DELC.17.01.10

KEYWORDS: Bloom's: Understand

117. What does it mean that court decisions are binding only in that court's territorial jurisdiction?

ANSWER: Court decisions are binding only in that court's territorial jurisdiction means that judicial decision is authoritative and has value as precedent for future cases only within the geographic limits of the area in which the deciding court has jurisdiction.

REFERENCES: Stare Decisis and Judicial Precedent

LEARNING OBJECTIVES: CPLP.DELC.17.01.03

KEYWORDS: Bloom's: Understand

118. Jurisdiction is the power of a court to try a case. What determines a court's jurisdiction over a case?

ANSWER: A court's jurisdiction over a case is determined by the law that created the court and defined its powers.

REFERENCES: Jurisdiction versus Venue

LEARNING OBJECTIVES: CPLP.DELC.17.01.05

KEYWORDS: Bloom's: Understand

119. Venue is place oriented, meaning that a criminal case must be tried where the crime was committed. How and why can the venue be changed in criminal cases?

ANSWER: The motion for a change of venue is usually filed by the defendant. The decision of a trial judge to grant or deny the motion is seldom reversed on appeal.

REFERENCES: Jurisdiction versus Venue

LEARNING OBJECTIVES: CPLP.DELC.17.01.05

KEYWORDS: Bloom's: Understand

120. What are limitations on provisions of state constitutions that apply to criminal cases?

ANSWER: Provisions of state constitutions as they apply to criminal cases must be consistent with the provisions of the federal Constitution or they may be declared unconstitutional if challenged in court. More detailed than the U.S. Constitution, state constitutions frequently offer greater protections to the individual.

REFERENCES: The Rule of Law

LEARNING OBJECTIVES: CPLP.DELC.17.01.08

KEYWORDS: Bloom's: Understand