

# Chapter Two

## Definitions of Crime

### Multiple Choice Questions

1. What distinguishes a crime from a tort?
  - A. The seriousness of the act
  - B. *A crime is a public wrong, where a tort is a private wrong*
  - C. A crime causes harm, a tort causes no harm
  - D. A crime is defined the courts, torts are defined by people.
  
2. Which of the following is not a component of a crime?
  - A. The occurrence of a specific kind of injury ort loss
  - B. *An expectation of illegality*
  - C. Somebody's criminality, meaning a criminal act by a specific person
  - D. The accused's identity as the doer of this crime
  
3. Which of the following describes the term "corpus delicti?"
  - A. *The substance of a crime that consists of an injury or loss and the criminal act that resulted in it.*
  - B. Conduct that is prohibited and has a specific punishment prescribed by law
  - C. A distinct pattern of criminal activity
  - D. The body in a murder case
  
4. An offense that is considered evil or wrong from its own nature and devoid of any rational defense is called
  - A. Mala prohibita
  - B. *Mala in se*
  - C. Mens rea
  - D. Actus reus
  
5. An offense prohibited by statute but not inherently evil or wrong is called
  - A. *Mala prohibita*
  - B. Mala in se
  - C. Mens rea
  - D. Actus reus
  
6. A culpable mental state; one involving intent or knowledge and forming an element of a criminal offense is called
  - A. Mala prohibita
  - B. Mala in se
  - C. *Mens rea*
  - D. Actus reus

7. The substance of a crime that must be proven and that consists of an injury or loss and the criminal act that resulted in it is called
- A. Mala prohibita
  - B. Mala in se
  - C. Mens rea
  - D. *Actus reus*
8. Which of following philosophers\jurist perceived crime as a confrontation with nature itself and bound to lead it perpetrators to a life of misery and corruption?
- A. Jeremy Bentham
  - B. *Cicero*
  - C. Augustus
  - D. John Stuart Mill
9. There are certain acts that are universally considered as deviant or errant in design and therefore prohibited by law by all societies. Which one the following does not fall into these category of crimes?
- A. Bestiality
  - B. Incest
  - C. *Political crime*
  - D. Murder
10. Which of the following demonstrate how one approach to defining crime is accomplished by classification by grade and severity?
- A. Degrees of a criminal act based on the level of involvement by the actor
  - B. The dividing of crimes into two classifications of severe and less severe, called felonies and misdemeanors
  - C. Defining serious from less serious crime by classifying them as federal or state crime
  - D. *A & B only*
11. Why are crimes defined as felony and misdemeanors and each are further defined by classification?
- A. It is a convenience designed by legislatures with little meaning
  - B. It is designed to determine which police agencies and courts deal with the offenders
  - C. *It is a concerted effort to grade offenses according to the level of criminal culpability and the depth and breadth of criminal participation*
  - D. The classifications are arbitrary and provide little explanation for the severity with which societies view criminal acts

12. Which of the following is an example of a mala in se crime?
- A. *Traffic offenses*
  - B. Murder
  - C. Rape
  - D. Assault
13. Zoning laws are mala in se crimes because they lack what key attribute?
- A. Penalties
  - B. *A moral dimension*
  - C. Degrees of the crime
  - D. A universal definition of what constitutes the acts prohibited
14. A capital offense is defined as
- A. A crime against one's country
  - B. Governmental crime
  - C. *A crime for which the punishment may be the imposition of death*
  - D. A crime that may be defined as either a felony or misdemeanor depending on the state in which it was committed.
15. Which of the following is an example of a crime that has been elevated in its seriousness by legislative act because they have been politically influenced?
- A. Drug possession offenses
  - B. Habitual offender statutes
  - C. DUI related offenses
  - D. *All of the above*
16. Felony crimes typically have penalties that involve incarceration of
- A. Two years or more
  - B. Three years or more
  - C. Five year or more
  - D. *365 days or more*
17. What is the source of petit or summary crimes?
- A. English common law
  - B. *State legislatures*
  - C. French common law
  - D. The U.S. Constitution
18. When a person who aids, abets, encourages, solicits, or incites another to commit a crime this under the laws of
- A. Double jeopardy
  - B. *Complicity*
  - C. Law of equal responsibility
  - D. Equity criminality

19. Which of the following are key issues in determining if someone is a principal in a criminal act?
- A. *Presence and participation*
  - B. Availability and intent
  - C. Knowledge and involvement
  - D. Intent and culpability
20. An accessory to the commission of a crime provides assistance to the principal
- A. Only before the event
  - B. Only after the event
  - C. *Before or after the event*
  - D. Simultaneously with the event
21. An accessory before the fact does which of the following?
- A. Can be a bystander or onlooker to the preparation of the criminal act
  - B. *Assists in the development of the criminal enterprise and issues some sign of consent and willingness that the deed be done*
  - C. Procures, counsels and commands before and during the criminal act
  - D. Knows of the preparation of the crime but does not necessarily have to provide any assistance
22. An accessory after the fact does which of the following?
- A. Knows of the crime but fails to tell police
  - B. Provides assistance during and after the criminal act
  - C. *Provides relief, assistance and comfort to the criminal offenders after the act*
  - D. The role of the accessory after the fact is more intellectual and less reactionary
23. The legal concept of vicarious liability seeks to
- A. Relieve the actual offender of a crime of any responsibility for the crime
  - B. *Find a non-offender guilty of the offense even though the party committed no act or never intended the act be done*
  - C. Only hold parent responsible for all acts by their children
  - D. Apply only in criminal conspiracy cases
24. Federal legislation enables prosecution of a corporation in order to
- A. *Impose criminal sanctions for infractions and violations committed by people who operate the corporate entity*
  - B. Hold individuals responsible in place of the corporation
  - C. To only hold the corporation civilly liable for the violation
  - D. Prevent individuals from being held criminally liable for their acts within the corporate activity

25. Which of the following crimes has been the subject of recent constitutional challenges based on equal protection claims?
- A. *Sodomy*
  - B. Bigamy
  - C. Rape
  - D. Robbery
26. Which of the following crimes constitutes an unlawful taking?
- A. Sexual Misconduct
  - B. Burglary
  - C. *Theft of Services*
  - D. Arson
27. What offense is mostly mental in design?
- A. Inchoate
  - B. *Conspiracy*
  - C. Misprision
  - D. Dual Intent
28. The part of the crime that deals with the action, the movement of the crime itself:
- A. *Actus reus*
  - B. Mala in se
  - C. Mens rea
  - D. Modus operandi
29. Sexual relations with living things, other than human beings is:
- A. Incest
  - B. Pedophilia
  - C. *Bestiality*
  - D. Necrophilia

### True False Questions

1. A crime is any act or omission prohibited by public law for the protection of the public.
- T
2. Corpus delicti is the substance of a crime that consists of an injury or loss and the criminal act that resulted in it.
- T
3. Punishment is not necessary for societal prohibition of a certain act.
- F

4. Religion has little influence on what is defined as criminal behavior.  
F
5. A life felony is more serious than a felony of the first degree.  
F
6. With mala prohibita offenses, the act's wrongfulness depends on the prohibition not the gravity of the movement.  
T
7. Mala in se crimes are wrong due to their cultural relativity to that which is considered prohibited by society at the time the crime is codified.  
F
8. Misdemeanors punishments are more commonly diverted from incarceration to alternative dispositions.  
T
9. Common law is the source of petit or summary offenses.  
F
10. The Model Penal Code declares that the primary agent of a crime and any accomplice in the criminal deed are responsible regardless of the level of participation and involvement and generally dispenses with the common law designations of principal and accessory?  
T
11. Once a crime proceeds beyond the preparatory stage, an accessory's presence at the crime scene, either constructively or actually, then the accessory ceases to be an accessory and evolves into a principal to the crime.  
T
12. If the principal to a crime is acquitted, the accessory can still be held legally for the accessory charge.  
F
13. The theory of vicarious liability finds a non-offender guilty of the offense even though the party committed no act or never intended the act to be done.  
T
14. Civil law, when compared to criminal law, deals with personal harms.

T

15. Mala in se offenses are inherently evil or wrong even if not subject to criminalization.

T

16. Robbery has been described as a larceny with force.

T

17. Treason is commonly witnessed crime in the modern era.

F

18. The primary criminal agent is known as the accessory.

F

19. If the principal is acquitted, the accessory charge is legally possible.

F

20. DUI/DWI offenses have shown a tendency towards decriminalization.

F

21. Crimes vary according to subject matter and harmful effects.

T

22. The Germans extermination attempts of the Jews during WWII manifest how deviance can be rationalized.

T

23. A felony carries a less severe punishment than a misdemeanor though the actual time spent incarcerated never differs.

F

### **Essay Questions**

1. What is the difference between a crime and a tort?
2. What are the three components of a crime?
3. Explain the term, "corpus delicti."

4. What influences that which governments define as crimes?
5. What defines that which is deviant and therefore criminal?
6. What are three approaches to defining crime? Explain each.
7. What is the difference between a felony and a misdemeanor?
8. What are the various classifications of felonies?
9. What are the various classifications of misdemeanors?
10. Describe how mala in se/mala prohibita classification of crime has some influence on the severity of the crime and the severity of punishment attached to each crime?
11. What constitutes the crime of treason?
12. Why are misdemeanor crimes more likely than felony offenses to be diverted to alternative dispositions?
13. What is a summary or petty offense?
14. How does the Model Penal Code regard the primary criminal agent and an accomplice?
15. What is a principal to a crime?
16. What is an accessory to a crime?
17. What are the key issues in determining if someone is a principal to a crime?
18. How does Title 18 of the U.S. Code define an accessory after the fact?
19. Describe the defenses available to persons accused of being an accessory to a crime?
20. What is the concept of vicarious liability?
21. To what extent can a corporation be held criminally liable for violations of the corporate entity?

# Chapter Three

## Actus Reus and Mens Rea

### Multiple Choice Questions

1. The general rule of law requires which of the following as a prerequisite of a violation of the law?
  - A. A mere thought of committing criminal conduct is sufficient to bring a criminal charge against a person
  - B. An act and with or without the requisite thought process that led to the act are both necessary
  - C. *A voluntary act or an omission to perform the act, with the thought alone to commit a criminal act being insufficient to constitute a criminal act.*
  - D. Criminal thought when there is an obligation to act is sufficient to bring a criminal charge
  
2. Which of the following represent a simple equation of what is necessary for criminal act to have occurred?
  - A. Actus Reus – Mens Rea = Infraction
  - B. *Actus Reus + Mens Rea = Culpability*
  - C. Actus Reus + Corpus Delicti = Culpability
  - D. Actus Reus – Mens Rea = Culpability
  
3. According to the Model Penal Code which of the following is not a voluntary act?
  - A. A reflex or convulsion
  - B. Bodily movement during unconsciousness or sleep
  - C. Conduct during hypnosis or resulting from hypnotic suggestion
  - D. *All of the above*
  
4. In relation with criminal law \_\_\_\_\_ can only be directed to those aware of circumstances and those moving unfettered in the choice between one act or another.
  - A. *Accountability and responsibility*
  - B. Thought and action
  - C. Volition and reflex
  - D. Consciousness and ability
  
5. Under criminal law, acts are \_\_\_\_\_.
  - A. *Volitional*
  - B. Reflex
  - C. Convulsion
  - D. Somnambulism