

Chapter 3 Test: Criminal Law

Part 1: Choose the best answer to each multiple choice question. (2 points each)

1. One element of a crime is *required state of mind*. This means that:
 - a. an act is committed that is forbidden by a statute.
 - b. a person voluntarily committed a crime.
 - c. a person failed to stop a crime from being committed.
 - d. a person has the intent to commit a crime.

2. Missouri uses the _____ insanity defense.
 - a. M'Naughten Rule
 - b. The modern test for insanity developed by the American Law Institute
 - c. A combination of both tests listed in a and b.
 - d. None of the above

3. If a defendant is found "not guilty by reason of insanity," he or she is free to go.
 - a. True
 - b. False

4. Which of the following "self-defense" defenses will hold up in court?
 - a. Ronnie, who punched Jim when he accidentally bumped into Ronnie on a busy sidewalk.
 - b. George, who did not try to run away before shooting at Kim, who was running at him with a knife.
 - c. Bill, who was so upset that he hit Blake. Bill had no reason to believe that he was in danger of serious injury or death.
 - d. Jane, who hit Bob in the head with her car keys after Bob jumped out from behind her car and tried to grab Jane. Bob had to stay in the hospital for five days due to the injury to his head.

5. Which of the following is an example of battery?
 - a. Spitting in someone's face.
 - b. Kissing someone who does not want to be kissed.
 - c. Commanding a dog to attack someone.
 - d. All of the above.

6. Laura was staying with her in-laws for the weekend. When everyone was out of the house, Laura stole her mother-in-law's diamond earrings worth \$1000. Laura will be charged with:
 - a. Grand Larceny
 - b. Petty Larceny
 - c. Robbery
 - d. Embezzlement

7. Embezzlement is:

- a. The wrongful taking and carrying away of the personal property of another through violence or threats
- b. The wrongful taking of another's property by a person who has been entrusted with that property.
- c. The breaking and entering of a house at night with the intent to commit a felony.
- d. The unlawful taking and carrying away of the personal property of another with the intent to deprive the owner of the property.

8. Which of the following was committed *arson*?

- a. Emily, who stole \$500 out of her grandmother's purse.
- b. Clint, who set his ex-girlfriend's house on fire on purpose.
- c. James, who was the "lookout" in an act of vandalism.
- d. Melanie, who stole an ipod from the Apple store.

9. Selling drugs carries a more severe penalty than just possessing drugs.

- a. True
- b. False

Part 2: Write an answer to each question. Points will vary for each question.

1. List and describe the two elements of a crime. Then, write an example of a crime and explain how each element is present. (8 points)

The criminal act – doing something that is forbidden by a statute (law). Involves voluntary conduct. Failure to act is also a crime.

Required state of mind – a person has the intent to commit a crime

2. List and describe the four common defenses to crimes. (8 points)

Insanity – must prove that you were unable to understand that something is a crime, and unable to conform your conduct to the requirements of the law

Entrapment – a law enforcement officer persuades a law-abiding citizen to commit a crime

Self-Defense – if you have good reason to believe you are in danger of injury or death. Must prove that you did not start the problem or use excessive force.

Defense of family members - SAA

3. When the defendant's attorney tries to use a defense to a crime, what are they trying to prove? (1 point)

That the defendant did not commit a criminal act and/or have an intentional state of mind. To prove that the elements of a crime do not exist.

4. Julius Davidson is arrested for shoplifting. He asks his attorney to plead not guilty by reason of insanity.

Davidson believes that he will be free if he is found not guilty by reason of insanity. Is he correct? Why or why not? (3 points)

Not correct because most criminal defendants found guilty by reason of insanity are institutionalized until they are ruled cured.

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5. Differentiate between a misdemeanor and a felony. List two misdemeanors. Then, list *and* describe two different felonies. (8 points)

6. Choose two crimes against people and two crimes against property and fully describe them. (8 points)

7. What are the possible maximum penalties that a person in Missouri can get for a felony? (3 points)

Death, life imprisonment, 10-30 years in prison

8. What is the maximum penalty for a misdemeanor in Missouri? (2 points)

Up to one year in jail, and a fine of up to \$1000

9. What is the classification for a 1st offense DWI, and what is the maximum penalty in MO? (2 points)

Class B Misdemeanor

30 days to 6 months in jail, and a fine of up to \$500

10. What is the classification for fraudulent use of a credit card, and what is the maximum penalty in MO? (2 points)

Class A Misdemeanor

Up to one year in jail, and a fine of up to \$1000