**CHAPTER 7-CRIME**

**TRUE/FALSE**

1. When measured in dollars, street crime costs society more than twice as much as white-collar crime.

2. Every criminal defendant has a right to a jury trial.

3. A crime is a violation of statutory law.

4. The parties to a criminal trial are the government and the defendant.

5. In order for the government to obtain a criminal conviction, it must prove its case beyond a reasonable doubt.

6. Taking a personal property without paying for it is a common type of larceny.

7. Under the laws of most states, a corporation cannot be held responsible for committing crimes.

8. *Actus reus* means the "guilty act" and is one element the prosecution must prove in a criminal case.

9. Criminal defendants have the right to a lawyer at all the important stages of the criminal process.

10. Congress revised and reauthorized the Patriot Act, but the secret national security letter provisions were later limited by a federal appeals court.

11. The Sixth Amendment declares that a person cannot be tried twice for the same criminal offense.

12. *Miranda v. Arizona* considered the intent requirement in an armed robbery case.

13. Entrapment can be a valid defense to a criminal act.

14. Although RICO was passes to deal with gangsters it is often used against businessmen who break the law.

15. The Federal sentencing guidelines are just guidelines. Judges do not have to follow them.

**MULTIPLE CHOICE**

1. Roger assaulted Jim in a tavern, causing medical expenses and lost wages. Which of the following is true?

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| a. | Roger can be prosecuted by the state for a criminal offense and Jim may sue him for money damages. |
| b. | If Roger is convicted of criminal assault, Jim is not allowed to sue him for money damages since that would violate the double jeopardy clause of the Constitution. |
| c. | If Jim refuses to press charges against Roger, the state cannot initiate a criminal proceeding against him. |
| d. | Jim can either elect to sue for money damages or proceed with criminal charges. |

2. Which of the following statements is correct?

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| a. | Violent street crime results in a greater monetary loss to society than white-collar crime. |
| b. | White-collar crime results in a greater monetary loss to society than violent street crime. |
| c. | Studies are not able to calculate the estimated value of white-collar crime since most white-collar crime is never publicly disclosed. |
| d. | Studies are not able to accurately calculate the estimated value of either violent street crime or white-collar crime. |

3. Jeff picks up a piece of metal pipe and swings it around, hitting Gary across the back of the head. What factor would be required for Jeff’s employer to be liable to Gary?

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| a. | Jeff was at the factory when it happened. |
| b. | Jeff voluntarily hit Gary. |
| c. | Jeff was moving the pipe as part of his work responsibilities when he hit Gary. |
| d. | Gary cannot be an employee of the same company as Jeff. |

4. A misdemeanor is distinguished from a felony based upon:

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| a. | the rules of evidence. |
| b. | the length and place of possible imprisonment. |
| c. | the burden of proof. |
| d. | the type of intent. |

5. When a judge orders a criminal defendant to reimburse the victim, it is called:

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| a. | reimbursement. |
| b. | restitution. |
| c. | restraint. |
| d. | reformation. |

6. The burden of proof required in a criminal case is:

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| a. | clear and convincing. |
| b. | a preponderance. |
| c. | beyond a reasonable doubt. |
| d. | highest degree of honesty. |

7. The intent required to commit a burglary would be:

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| a. | general intent. |
| b. | reckless conduct. |
| c. | strict liability. |
| d. | specific intent. |

8. Sara sent letters to 1,000 people offering to send them information that would guarantee them a profit in the stock market if they sent her $99.95. If they sent her the money, the brief, generally known information she sent them said: “Buy stocks when their prices are low, and sell when the prices are high.” Sara is guilty of:

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| a. | mail fraud. |
| b. | larceny. |
| c. | embezzlement. |
| d. | nothing. She merely thought of and executed a clever way to make money. |

9. Important steps in the criminal process, in the proper order, include:

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| a. | search, arrest, probable cause hearing, indictment, arraignment, plea bargain, and trial. |
| b. | arraignment, booking, bail hearing, trial, and grand jury indictment. |
| c. | arrest, probable cause hearing, motion to suppress, booking, and trial. |
| d. | indictment, arrest, probable cause hearing, plea bargain, arraignment, trial, and appeal. |

10. The fraudulent conversion of property which is already in the defendant's possession is:

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| a. | money laundering. |
| b. | exclusion. |
| c. | embezzlement. |
| d. | trespassory taking. |

11. The primary purpose of RICO was:

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| a. | to be a tool against organized crime. |
| b. | to raise revenue. |
| c. | to prosecute non-citizens. |
| d. | to prosecute those engaged in tax fraud. |

12. The criminal penalties under RICO include all EXCEPT:

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| a. | imprisonment. |
| b. | capital punishment. |
| c. | confiscation of property acquired through the criminal activity. |
| d. | fines. |

13. Approximately how much merchandise is stolen from United States retail stores every year?

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| a. | $10 million |
| b. | $50 million |
| c. | $10 billion |
| d. | $25 billion |

14. Sid burned his own warehouse in an attempt to collect on a fire insurance policy. Sid has committed:

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| a. | arson. |
| b. | larceny since he committed an act intended to wrongfully obtain money from his insurance company. |
| c. | a crime called "burning to defraud insurers" since the crime of arson only applies to property owned by another person. |
| d. | an intentional tort, but not a crime since a person has a right to destroy his own property. |

15. Tina is an undercover police officer. One evening she is posing as a prostitute in a bar. Larry, a salesman who is attending an out-of-state convention, begins talking with Tina. After about ten minutes, Tina suggests going to her room for a good time but points out he will need to "donate" $100 to her. Arriving at Tina's hotel room, Larry asks if she is a policewoman. Tina lies and says she is not. When Larry gives her $100, Tina shows him her identification and arrests him.

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| a. | Larry appears to have been the victim of entrapment since Tina lied about being a police officer. |
| b. | Larry appears to have been the victim of entrapment since Tina was the one who suggested the activity that resulted in Larry's arrest. |
| c. | Both of the above are correct. |
| d. | None of the above is correct. |

16. Illegally obtained evidence is not permitted to be used at a criminal trial based upon the:

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| a. | silver plate doctrine. |
| b. | exclusionary rule |
| c. | fair play doctrine. |
| d. | Eighth Amendment. |

17. The Theft of Honest Services statute:

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| a. | is violated if an employee draws sick leave pay on a day when she is not sick. |
| b. | applies only to government officials. |
| c. | prohibits both public and private employees from taking bribes or kickbacks. |
| d. | was not passed into law due to a presidential veto. |

18. Sarah, an employee of Amex Corporation, committed a serious criminal act in an attempt to obtain a large sales order for her employer. A court found her guilty of the felony and also found the corporation guilty of criminal conduct. The company was fined $1 million. The court:

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| a. | erred in fining the company since finding both Sarah and the corporation guilty violates the Double Jeopardy Clause of the Constitution. |
| b. | acted properly if this were a federal proceeding; however, it did not act properly if this were a state proceeding. |
| c. | acted properly if this were a state proceeding but not if this were a federal case. |
| d. | acted properly in this case. |

19. Barden Corporation was convicted of violating federal RICO laws. Accordingly:

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| a. | the government may file criminal charges against both the company and the individuals associated with the criminal acts. |
| b. | the government may file a civil lawsuit against the company to obtain injunctions and other relief. |
| c. | individuals may file civil lawsuits against the company for violating the RICO statute to recover losses sustained by the criminal act. |
| d. | All the above are correct. |

20. The *Miranda* warning insures that the criminal suspects understand their constitutional rights relating to:

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| a. | search and seizure. |
| b. | self incrimination. |
| c. | double jeopardy. |
| d. | having a jury trial. |

21. Miguel reprogrammed a cellular telephone so that it intercepted electronic funds transfers and rerouted them to Miguel’s bank account. What crime has he committed?

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| a. | Insurance fraud, since the bank’s insurance will have to cover the misdirected funds. |
| b. | Wire fraud. |
| c. | Mail fraud. |
| d. | Embezzlement |

22. Mulcare Corp. started a compliance program to prevent and detect criminal conduct within the company and had specific, high-level officers in charge of overseeing the program. The company effectively communicated the program to its employees and monitored those employees who were in a position to cheat. It promptly disciplined anyone who broke the law. One effect of having this program is:

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| a. | federal investigators would no longer investigate the company since Mulcare could take care of any problems internally. |
| b. | federal investigators might be convinced to limit any prosecution to those directly involved rather than attempting to get a conviction against high-ranking officers or against the company itself. |
| c. | the Federal Sentencing Guidelines no longer apply. |
| d. | any cases would be prosecuted in state, rather than federal, court. |

23. Money laundering consists of

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| a. | proceeds from a criminal act |
| b. | attempting to conceal the source |
| c. | using the money to commit crimes |
| d. | all of these answers are correct |

24. What does RICO prohibit

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| a. | using criminal money to purchase a legitimate business |
| b. | acquiring a business through criminal activity |
| c. | operating a business through criminal activity |
| d. | all of these answers are correct |

25. What does the Fourth Amendment provided a criminal defendant?

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| a. | protection from unreasonable search and seizures |
| b. | protection from being forced to incrimination themselves |
| c. | protection from being tried for a crime more than once |
| d. | guarantee of a jury trial |

**ESSAY**

1. Compare and contrast money laundering and embezzlement. Give an example of each.

2. List and discuss the protections afforded criminal defendants by the Bill of Rights.

3. Mary was suspicious of her neighbor, whom she thought was involved in selling illegal drugs. One day Mary arrived at her apartment and saw a large paper sack tied up with string in front of her neighbor's door. She took the bundle into her apartment, opened it, and discovered it was full of cocaine. She called the police and the neighbor was arrested. The neighbor's lawyer claimed the evidence had been illegally obtained since no probable cause existed to justify opening up the paper bundle.

4. Dan was arrested and taken to an interrogation room for questioning. After signing a statement waiving his *Miranda* rights, he agreed to answer questions without a lawyer. After about ten minutes, he told the officers he changed his mind and wanted to talk to a lawyer before answering any more questions. The officers left the room and then came back in. They told Dan that his partner was confessing to the crime and that, "If your partner confesses first and makes a deal, you're the one who's going to go down for this." Dan looked at them without saying anything. After a minute, the officer began questioning Dan again and he confessed to the crime after about an hour. Is this confession admissible?