

NAME: _____ Due: April 2, 2019

True or False & Multiple Choice (2 points each)

1. _____ Evidence obtained in violation of an accused's Fourth Amendment right (to be free from unreasonable search & seizure) should be excluded from his/her criminal trial.
2. _____ The prosecution in a criminal case only needs to establish that the defendant committed a crime, by a preponderance of the evidence.
3. _____ A criminal defendant can not be compelled by the Court to take the stand and testify in his/her own criminal trial.
4. _____ The Supreme Court decision in *Miranda v Arizona* is based on the Fifth Amendment right against self incrimination, and the Sixth Amendment right to counsel.
5. _____ The "intent" or "evil state of mind" required to convict a defendant of a crime, can never be met by the criminally negligent or criminally reckless conduct of the defendant.
6. _____ A misdemeanor is a crime that carries the most severe sanctions, ranging from more than one year in jail to the death penalty (in some states)
7. _____ The requirement that police must have a search warrant, before they can search a suspect's home is found in the:
 - a. Fourth Amendment
 - b. Sixth Amendment
 - c. *Miranda v Arizona*
 - d. Equal Protection Clause
8. _____ The 2 major difference between Civil Law and Criminal Law are
 - a. Intent
 - b. The burden of proof
 - c. both a & b
 - d. none of the above

9. _____ Mark is taken into custody by the police. Before interrogating Mark, the police officer must
- advise Mark of his right to have an attorney present
 - allow Mark to call his Pastor
 - allow Mark to call his wife
 - allow Mark to post bond
10. _____ The Fifth Amendment prohibition against Double Jeopardy, would stop a state court from
- enforcing a law which substantially burdens interstate commerce
 - prosecuting a criminal defendant twice for the same offense
 - regulating solely private activities
 - playing a game show twice
11. Kato was arrested and charged with growing marijuana in his home. Police had actually been investigating his neighbor, but they focused their investigation on Kato after they trained a thermal imaging device on his home, without a search warrant. With the use of the thermal imaging device, they observed, what they believed were high intensity lamps used to grow the marijuana plants indoors. Armed with the printout from the imaging device, the Police then obtained a search warrant for his home, and found marijuana.
11. _____ In the prosecution of Kato, the Court should
- release Kato because the marijuana was for medical purposes
 - allow the marijuana into evidence
 - exclude the evidence of marijuana
 - convict Kato without any evidence
12. _____ Under the Responsible Corporate Officer Doctrine (*U.S. v Hanousek* ie. the Alaskan pipeline case), a corporate officer can be held personally liable for for violations of Federal or State Statutes (the Clean Water Act) based on
- his/her negligent acts only
 - his/her intentional criminal acts only
 - intentional acts of employees only
 - grossly negligent acts of employees under his/her supervision
13. _____ The Burden of Proof in a criminal prosecution is;
- Beyond a Reasonable doubt
 - By a Preponderance of the Evidence
 - both a and b
 - none of the above

BONUS QUESTION: 2 points

14. _____ Who is the current Chief Justice of the US Supreme Court?

- a. William Bellichick
- b. John Roberts
- c. Mike Pence
- d. Michael Madigan

Please go on to Essay Questions 15, 16 & 17. Hand in your answers, along with the Scantron, on April 2, 2019.

Please prepare your answers of approximately 1 page for each question, typed double spaced or written neatly and legibly. You are encouraged to use your text and class notes.

Assignment **must** be turned in at the beginning of class on **April 2, 2019**

This assignment constitutes **30 points** of Ch 6 & 7 exam due on April 2, 2019

- 15) Please **discuss** the Supreme Court Decision in *Arizona v Miranda*. Which Bill of Rights Constitutional protections are important to this decision. What requirements does the *Miranda* Decision place upon the arresting police officers, and why?

- 16.) Peter Griffin visited a Super-Mart store. While waddling down a busy isle near the food court, Peter slipped and fell, when he stepped in some macaroni & cheese, which came from the food court. Peter sued Super-Mart for his injuries. At trial Peter testified that the macaroni appeared "to have a lot of dirt and footprints on it", suggesting that the spilled macaroni had been on the floor for some time. What duty does a business have to protect its customers from dangerous conditions ? Should Super-Mart be liable to Peter ? Why or why not ?

- 17.) Tim's wife, Jill, bought him a Binford 6000, combination saw, lathe and drill for Christmas. Tim, being the meticulous craftsman that he is, read the brochure and warranty information before he ever tried the tool. Tim did not inspect the tool for possible defects. More than a year later, while using the lathe attachment, a piece of wood shot out and injured Tim seriously enough for him to have to go to the hospital. Tim sued Binford for his injuries.

Please discuss the requirements of a case based on Strict Product Liability, and apply the facts of this case. Will Tim prevail ? Why or why not ? On what theory ?