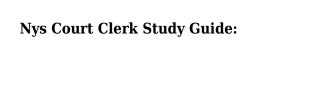
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#### SHORT ANSWER: (17 of 19 - 5 pts. Each)

- 1. Define and explain the difference between criminal law and civil law
  - Criminal law → defines criminal offenses with substantive law
  - Civil law → all state and federal laws pertaining to non criminal activity
- Name and describe the three functions of law.
  - Social control → efforts by society to regulate the behavior of its member
  - 2. Dispute resolution → civil action intended to solve conflicts between two parties
  - Social change → the use of law to modify ideas and practices.
- b. List and define the burdens of proof in a criminal and a civil case.
  - Civil case → the plaintiff must prove that the defendant was negligent by preponderance of evidence... the greater weight of information is in favor or against the defendant
  - Criminal case → the prosecution must prove beyond a reasonable doubt that the
    defendant committed the crime, it is used to establish guilt based on evidence
    presented
- Define a trial court and an appellate court and explain how a case moves through the different levels of court. (Include: Court of last resort, amicus curia, rule of 4, harmful error).
  - 1. Trial court → determine if the defendant is guilty or innocent
  - 2. Appellate court → determine whether the law was applied correctly
  - 3. Court of last resort → highest judicial court; supreme court
  - Amicus curiae ("friend of the court") → briefs filed by one party on behalf of another
  - Rule of 4 → 4/9 justices must agree to hear a case, if it is of constitutional merit or national importance
  - Harmful error → errors made by judges that may be prejudicial to a defendant's case
- Define and explain the difference between geographical, hierarchical, and subject matter jurisdiction.
  - Geographical jurisdiction → the authority of a court to hear a case based on legally defined boundaries; cities, counties, or states
  - Hierarchical jurisdiction → distinction between courts at different levels, where one
    court is superior to another and has the power to hear appeals from lower court
    decisions.
  - Subject matter jurisdiction → the type of case the court has authority to hear
- Describe and define some unethical actions of prosecutors (include backdoor hearsay, malicious prosecution, and exculpatory evidence).
  - Backdoor hearsay → mention or comment about evidence against the accused that is not admissible evidence
  - Malicious prosecution → when prosecutors bring charges against the accused with full knowledge that the accused is innocent of the crimes alleged
  - Exculpatory evidence → testimony, or any form of evidence that show the innocence
    of the defendant
- Define ethical code and Rules of Criminal Procedure and describe how they guide prosecutors.
  - Ethical code → rules of professional responsibility articulated by professional associations

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**Charles L. Zelden** 



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