Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Civil and Criminal Justice Systems Exam**

1. \_\_\_\_\_A method of delivering to an uncooperative defendant
	1. Alternative service
	2. Answer
	3. Diligent effort
	4. Service
2. \_\_\_\_\_A defendant’s written reply to a plaintiff’s petition
	1. Citation
	2. Answer
	3. Order
	4. Show cause
3. \_\_\_\_\_The party making application to the court or petitioning for some action
	1. Citation
	2. Defendant
	3. Applicant
	4. Plaintiff
4. \_\_\_\_\_ An official notice from a court of competent jurisdiction, issued to a defendant after a plaintiff’s petition is filed; commands the defendant to answer and appear in court at a specific time
	1. Default judgment
	2. Order
	3. Judgment
	4. Citation
5. \_\_\_\_\_ Proceedings held to determine if a person has violated a lawful court order and to set punishment if a violation is found
	1. Contempt
	2. Petition
	3. Service
	4. Tort
6. \_\_\_\_\_ Can result when there is failure to perform some action required by law within a specified time. In a civil lawsuit, this decision may be rendered against a party who has failed to answer or appear as directed.
	1. Alternative service
	2. Default judgment
	3. Show cause
	4. Judgment
7. \_\_\_\_\_ Persistent activity, prudence, or care that is properly expected from a reasonable and prudent person under the particular circumstances
	1. Alternative service
	2. Process
	3. Diligent effort
	4. Petition
8. \_\_\_\_\_ The final order of a court in a civil suit which settles all disputed issues, determines the right of the parties with regard to the subject matter of the suit, and which is subject to being forced by a writ.
	1. Default judgment
	2. Orders
	3. Answer
	4. Judgment
9. \_\_\_\_\_Directions from a court or judge; a mandate or command
	1. Orders
	2. Judgment
	3. Process
	4. Contempt
10. \_\_\_\_\_ A document filed by the plaintiff with the clerk of the court which outlines the basis of the complaint against a defendant and the relief being sought from the court
	1. Citation
	2. Petition
	3. Default judgment
	4. Tort
11. \_\_\_\_\_ All writs and official documents issued by courts in conjunction with pending suits
	1. Orders
	2. Petition
	3. Citation
	4. Process
12. \_\_\_\_\_The person against whom the suit is being brought
	1. Plaintiff
	2. Applicant
	3. Defende
	4. Respondent
13. \_\_\_\_\_ The delivery of a writ, notice, injunction, etc. by an authorized person, to a person who is thereby officially notified of some proceedings concerning him
	1. Service
	2. Alternative service
	3. Show cause
	4. Process
14. \_\_\_\_\_ A notice to the defendant to either appear in court or prepare a written answer to show cause for failing to respond to a previous order of the court. It may also be known as a notice.
	1. Citation
	2. Petition
	3. Order
	4. Show cause
15. \_\_\_\_\_ A civil wrong alleging the plaintiff failed to perform a duty required by the defendant.
	1. Tort
	2. Citation
	3. Answer
	4. Default judgment
16. \_\_\_\_ The United States legal system impacts the correctional system in many different ways. Which is not a way the correctional system is impacted?
	1. National and International policies
	2. Lawsuits
	3. Default judgment
	4. Statutory law
17. \_\_\_\_\_What impact have drug policies had on the correctional system?
	1. Policies have created prison overcrowding
	2. Increase in federal crimes
	3. Takes away from budgets for other programs and services
	4. Limits inmate population to 95%
18. \_\_\_\_\_ Sentencing policies create mandatory sentencing, which in turn, fills prison beds. What options to incarceration have been considered?
	1. Probation
	2. Drug treatment programs
	3. Community supervision
	4. All are valid options to reduce overcrowding
19. \_\_\_\_\_ Globalization policies include labor, capital, goods, and services across borders. The result is creation of multinational criminal organizations.
	1. True
	2. False
20. \_\_\_\_\_The longest running lawsuit in U.S. history was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
	1. *Freeman v. TDCJ*
	2. *Ruiz v. Estelle*
	3. *Ruffin v. Commonwealth*
	4. Civil rights act of 1983
21. \_\_\_\_\_ Which amendment did Ruiz allege had been violated by the prison system in his lawsuit?
	1. 4th amendment
	2. 5th amendment
	3. 8th amendment
	4. 6th amendment
22. \_\_\_\_\_Which area was not addressed in *Ruiz v. Estelle*?
	1. Overcrowding
	2. Inadequate healthcare
	3. Safe working conditions
	4. Security
23. \_\_\_\_\_The court’s decision in *Ruiz v. Estelle* included which items?
	1. Limits population of prison to 95%
	2. Separated different levels of offenders
	3. Improved healthcare
	4. All of the above
24. \_\_\_\_\_Statutory laws affecting the correctional system include what laws?
	1. Method of execution
	2. Location of execution
	3. Supervision of execution
	4. All of the above
25. \_\_\_\_\_Prior to 1923, Texas used which method of execution?
	1. Hangings
	2. Electric Chair
	3. Lethal injection
	4. None, capital punishment was deemed unconstitutional
26. \_\_\_\_\_Prior to the electric chair, who was responsible for carrying out executions?
	1. Huntsville
	2. The state of Texas
	3. The county where the crime occurred
	4. The prison system
27. \_\_\_\_\_Which statement does not apply to the use of the electric chair?
	1. All executions were moved to Huntsville
	2. State was now responsible for executions
	3. Five offenders were put to death on 2/8/24
	4. Texas amended the Penal Code in 1973, reinstating the death penalty
28. \_\_\_\_\_In what year did Texas adopt lethal injections as its method of execution?
	1. 1977
	2. 1973
	3. 1972
	4. 1996
29. \_\_\_\_\_ An executive intervention can be a result of intervention by all but which of the following:
	1. President
	2. Warden
	3. Courts
	4. Governor
30. \_\_\_\_\_The governor of Texas may issue all but which of the following types of intervention?
	1. Clemency
	2. Reprieve
	3. Commutation of sentence
	4. Pardon

31.\_\_\_\_\_ An act of mercy through the executive branch, lessening the punishment given to a defendant. It is not forgiveness of the crime.

* 1. Commutation of sentence
	2. Pardon
	3. Clemency
	4. Conditional pardon
1. \_\_\_\_\_ Clemency may be issued to an offender on death row for any reason the governor determines is worthy.
	1. True
	2. False
2. \_\_\_\_\_Reduction of legal penalties, especially incarceration, often conditional
3. Pardon
4. Commutation of sentence
5. Clemency
6. Conditional pardon
7. \_\_\_\_\_To release a person from punishment, exempt them from penalty
8. Pardon
9. Conditional pardon
10. Commutation of sentence
11. Clemency
12. \_\_\_\_\_The president may impose which type of intervention?
13. Reprieve
14. Clemency
15. Pardon
16. Commutation of sentence
17. \_\_\_\_\_ Establishes a temporary delay in enforcement of the sentence imposed by the court without changing the sentence or forgiving the crime
18. Clemency
19. Commutation of sentence
20. Reprieve
21. Pardon
22. \_\_\_\_\_ A court order to temporarily suspend the execution of a court judgment or other court order
23. Clemency
24. Commutation of sentence
25. Stay of execution
26. Pardon
27. \_\_\_\_\_Which offenses are examples of criminal law cases?
28. Murder
29. Assault
30. Criminal trespass
31. All are laws under criminal law
32. \_\_\_\_\_ Criminal law is designed to prevent harm to society. What other statement is also true of criminal law?
	1. Regulates the conduct of individuals through the threat of fines and imprisonment
	2. Level of proof is preponderance of evidence
	3. Protects the rights of an individual
	4. All of the above are characteristic of criminal law
33. \_\_\_\_\_The level of proof required in a criminal case is beyond a reasonable doubt.
	1. True
	2. False
34. \_\_\_\_\_Who brings action against the defendant in a criminal case?
	1. Plaintiff
	2. Respondent
	3. The state
	4. Defendant
35. \_\_\_\_\_ The portion of the law which defines the personal and property rights of individuals, the right of an individual to seek redress or to prevent a wrong, and any action other than criminal proceedings.
	1. Criminal law
	2. Civil law
	3. Case law
	4. Statutory law
36. \_\_\_\_\_Which of the following is an example of civil law?
	1. Divorce
	2. Child Custody
	3. Personal damage
	4. All of the above are examples
37. \_\_\_\_\_Which is not an action that may result in civil action?
	1. Improper use of force
	2. Official misconduct
	3. Assaulting an inmate
	4. Civil rights violations
38. \_\_\_\_\_ In civil cases, conduct is regulated through which two functions?
	1. Fines and imprisonment
	2. Monetary damage and injunctions
	3. Injunction and imprisonment
	4. Monetary damage and personal damage
39. \_\_\_\_\_The level of proof required in a civil case is preponderance of evidence.

True

False

1. \_\_\_\_\_In a civil case, the verdict rendered by the court must be unanimous.
	1. True
	2. False
2. \_\_\_\_\_Changes affecting corrections include all but which of the following:
	1. Civil lawsuits
	2. Increase in death rate
	3. Case law
	4. Legislation
3. \_\_\_\_\_The Civil Rights Act of 1983 was enacted to address the number of complaints in the prison system.
	1. True
	2. False
4. \_\_\_\_\_The Supreme Court case *Ruffin v. Commonwealth, VA* concluded
	1. Offenders have forfeited liberty and personal rights
	2. Offenders can not be denied access to courts on matters of treatment
	3. Constitutional rights are not afforded to inmates
	4. The state needed to maintain a "hands-on" approach
5. \_\_\_\_\_The Insanity Defense Reform Act of 1984 ruled the following:
	1. The state needed to be involved in all aspects of corrections
	2. It is an affirmative defense if the defendant suffered from severe mental illness and was unable to understand the wrongfulness of his actions
	3. Mandatory sentencing guidelines must be established at the federal level
	4. Constitutional protections were extended to inmates
6. \_\_\_\_\_ Prison policy impacts the correctional system tremendously. One of the ways it does so is by
	1. Changing policy to meet new trends, such as intensified searches in response to introduction of contraband
	2. Public scrutiny, along with state and national watchdog groups effect sentencing
	3. Ethical behavior by staff
	4. Examining offenders’ civil rights
7. \_\_\_\_\_ Which of the following is not a justification for change in the correctional system?
	1. Finances
	2. Prison policies
	3. Special prison populations
	4. All of the above are factors
8. \_\_\_\_\_Offenders with special needs create a need for change in the treatment, services and programs in the correctional setting. Which is not a special prison population?
	1. Young offenders
	2. Mentally ill or handicapped
	3. Gang affiliations
	4. General population offenders
9. \_\_\_\_\_A party in a civil suit, mainly the one who initiates the suit by filing a petition.
	1. Applicant
	2. Respondent
	3. Plaintiff
	4. Answer