

Journal Of The American Institute Of Criminal Law And Criminology Volume 7

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Article 2.

Criminal Liability

Duty of the courts

Consummated, Frustrated and attempted Felony

Light felonies are Punishable

Conspiracy and Proposal to commit Felony

Offenses not subject to the provisions of this Code.

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Introduction

Global outlet

Academics

Research Centres

Events and Speakers

International State Crime Initiative

What you will learn

Programme Structure

Modules

Semester 2021

Module Selection

Dissertation Workshops

QA

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The Criminal Justice System

Primary Goals

Case Attrition Is an Issue in the Criminal Justice System

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Introduction

What is Criminology + Why study it

Course progression + What you really study

Who should study Criminology

Common pitfalls

What can you do with Criminology + Next steps

Conclusion

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USE YOUR ANXIETY AS MOTIVATION

ND TIP SET YOUR GOAL AND STICK WITHITS

THE 1ST STEP IN ACHIEVING YOUR GOAL IS BELIEVING THAT YOU CAN DO IT

RD TIP -HAVE A-WORK PLAN

CRIMINAL JUSTICE MAJOR (REAL) JOBS! & TIPS ON RESEARCHING CAREERS - CRIMINAL JUSTICE MAJOR (REAL) JOBS! & TIPS ON RESEARCHING CAREERS by Mercadez Michelle

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Intro

Mens Ray

Attempts

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Crimes, the purposes of criminal law and the types of crimes - Crimes, the purposes of criminal law and the types of crimes by Grant Anderson 8,842 views 3 years ago 29 minutes - Hello year 11's welcome to this video on **crime**, the purposes of the **criminal law**, and the types of crimes there are three things that ...

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Overview of Criminal Law

Retribution

Deterrence

Incapacitation

Rehabilitation

Restitution

He has not committed assault

Duty-to-Assist Laws

Criminal Intent

Joe has acted purposefully to kill Mike, but not purposefully to kill Timmy

Joe hits and kills Mike

for the statute to apply

There was no concurrence between the actus reus and the mens rea

Causation

Principle of Legality and Fair Notice

Punishing a Status

Cruel and Unusual Punishment

Constitutional Law

Constitutions rarely establish crimes

Model Penal Code

Module 2

Why should you study an LLM in Criminal Law and Criminology at Sussex? - Why should you study an LLM in Criminal Law and Criminology at Sussex? by University of Sussex 1,118 views 6 years ago 26 seconds - John Child, Law Lecturer, describes what is unique about our **Criminal Law**, and **Criminology**, LLM.

Chapter 01 Lecture on Criminal Law and Punishment in U S Society An Overview - Chapter 01

Lecture on Criminal Law and Punishment in U S Society An Overview by Jim Brakebill 1,618 views 3 years ago 24 minutes - After listening to this lecture and reading chapter one in the textbook students should be able to: 1. Know the dual nature of the ...

Learning Objectives (1 of 2)

Criminal Law in U.S. Society (1 of 2)

Criminal Law in U.S. Society 2 of 2

Crimes and Noncriminal Legal Wrongs Table 1.2 Crimes and Torts: Similarities and Differences

CRIMES

Classifying Crimes

Discussion Activity (1 of 2)

Sources of Criminal Law

Discussion Activity (2 of 2)

Criminal Law in the U.S. Federal System

Criminal Punishment in U.S. Society (1 of 2)

Figure 1.2 World Imprisonment Rates, 2009

Criminal Punishment in U.S. Society (2 of 2)

Theories of Criminal Punishment

of 6)

Empirical Evaluation of Criminal Law Theories

of 4)

Key Cases

Criminal Law and Jurisprudence (CLJ) Review Questions (With Explanations) / Criminology - Crim-

inal Law and Jurisprudence (CLJ) Review Questions (With Explanations) / Criminology by BeCueno

201,103 views 3 years ago 47 minutes - LEA Review Questions <https://youtu.be/bZ4egj9InqQ>

Criminalistic Review Questions <https://youtu.be/Jd3Qoaj48SE> Correction ...

REVIEW QUESTIONS FOR CRIMINOLOGY LICENSURE EXAMINATION (CLE)

Acts and omissions punishable by the Revised Penal Code. A. Felony B. Offense C. Misdemeanor D. Infraction

In order to acquire a large amount of money sufficient to buy a car, Pedro along with Juan sneaked into the house of Maria. Unnoticed, they stole various jewelries of high value including the money stored at the owner's vault. Santiago, their best friend, help them to escape from the crime scene. Referring to the above scenario, Juan participated as a of the crime. A. Principal B. Accomplice C. Accessory D. Suspect

Upon knowing that the personal computer is sold only for 3,000 pesos, James rushed into a bank and withdraws an amount and then bought the computer. 3 days passed, policemen went to his house. Only then he realized that the computer he bought was actually a stolen item from a nearby house. Referring to the scenario above, what crime is committed by James? A. Buying stolen items B. Fence A stage in the execution of a crime where the offender commences commission of a felony directly by overt acts, and does NOT perform all acts of execution which should produce the felony by reason of some cause or accident other his spontaneous desistance. A. Consummated B. Frustrated C. Attempted D. None of the above

Conspiracy and proposal to commit felony are punishable only in cases in which the law specially provides a penalty thereof. A conspiracy exists when at least how many persons come to an agreement concerning the commission of a felony and decide to commit it?

Any person who acts in obedience to an order issued by a superior for some lawful purpose is a against criminal liability A. Exempting circumstance

Those which if present in the commission of the crime reduces the penalty of the crime but does not erase criminal liability nor change the nature of the crime. A. Exempting circumstance B. Justifying circumstance C. Mitigating circumstance D. Aggravating circumstance E. Alternative circumstance

When the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make, he is committing: A. Crime B. Murder C. Treachery D. Homicide

Which of the following is a circumstance that mitigates punishment? A. Crime committed on the occasion of earthquake, epidemic or other calamity or misfortune. B. Crime committed with the aid of armed men C. Accused is a recidivist. D. Offender is suffering some physical defect

It is the loss of the right of the state to PROSECUTE an offender after the lapse of a period prescribed by the law. A. Prescription of crime B. Prescription of penalty C. Parole D. Marriage

A legislative act which inflicts punishment without trial. A. Ex-post facto law B. Bill of attainder

A characteristic of the criminal law which states that the law has no retroactive effect and that it must be construed in favor of the offender. A. Generality B. Territoriality C. Prospectivity

Juan Gwapo was convicted of the crime of murder. While serving his sentence inside the penal institution, he committed serious physical injury against another inmate. Edgar Pol can be classified as: A. Criminal B. Quasi-recidivist C. Recidivist D. Habituality

R.A. 10054 known as the "Motorcycle Helmet Act" was put into law in the year 2009. Person "A" a police officer filed a case against person "B" for violation of Republic Act 10054. The filing of the case

was triggered after the aforementioned police officer saw Person "B" not wearing helmet when they coincidentally met in the year 1990. If you were the prosecutor of the case, what would be your legal action? A. Dismiss the complaint B. Ask the officer to submit evidences that would prove his claims C. Require the respondent to file his counter affidavit D. Refer the case to the Lupon

Tomas a member of a drug syndicate is under detention for violation of Republic Act 9165 (Comprehensive Dangerous Drugs Act). One day he was involved in a fight and killed his fellow detainee. Thus, a case of homicide was also filed. Is Tomas a recidivist? A. Yes, because he committed another crime while in detention B. No, because he is not yet convicted of his first crime C. Yes, because he committed a crime D. No, because drug violation is different from homicide

The seduction of a virgin over twelve years and under eighteen years of age, committed by any person in public authority, priest, home-servant, domestic, guardian, teacher, or any person who, in any capacity, shall be entrusted with the education or custody of the woman seduced. A. Simple seduction B. Qualified seduction C. Corruption of minors

Is committed by any married woman who shall have sexual intercourse with a man not her husband A. Concubinage B. Adultery C. Bigamy D. None of the above

Any person who, owing allegiance to the Government of the Philippine Islands, not being a foreigner, levies war against them or adheres to their enemies, giving them aid or comfort within the Philippine Islands or elsewhere. A. Direct assault

Any person having no apparent means of subsistence, who has the physical ability to work and who neglects to apply himself or herself to some lawful calling; and, Any person found loitering about public or semi-public buildings or places or trampling or wandering about the country or the streets without visible means of support is called A. Prostitute B. Vagrants C. Beggar D. Illegitimate

Person "A" was an employee of Apoloy Bank Incorporated. As an employee thereof, he was able to learn the safety vault combination. One Sunday evening, he went to the bank's office to steal the money placed inside the vault. He opened the vault but found out that it was empty. For what crime is he liable of? A. Attempted theft B. Frustrated theft C. Consummated theft

The means sanctioned by the rules of ascertaining in a judicial proceeding the truth respecting a matter of fact: A. Proof

That which is the proof of facts from which, taken collectively, the existence of the particular fact in dispute may be inferred as a necessary or probable consequence. A. Direct evidence

Person "B" unlawfully shot person "C" to death while the latter was at his brother's house. What aggravating circumstance is present? A. Nighttime B. Superior strength C. Relationship D. Dwelling

Juan saw Pedro attacking his own wife (Pedro's wife) using a Rambo knife. Due to pity, Juan approached Pedro and struggled for the possession of the weapon, in the course of which Juan killed Pedro, What Justifying circumstance is present? A Self defense

A criminal law is said to be general, when: A. Such criminal law is binding on all persons who live and sojourn in the Philippine territory B. Such law is enacted by the Philippine legislature C. Such law is accepted by everybody D. Such law has no retroactive effect and is construed in favor of the accused

Why is treason cannot be committed during peace time? A. There is no threat to the government B. There is no illegal adherence to enemy's country C. Treason is a war crime D. Crimes during peace time are ordinary crimes

Additional evidence of a different kind and character, tending to prove the same point: A. Corroborative B. Prima facie C. Conclusive D. positive

Person "A" introduced himself as the City Mayor as he was pacifying Juan and Pedro who were fighting inside a Bar. Notwithstanding his presence, Juan and Pedro continued to fight until Juan succeeded the killing of Pedro. What aggravating circumstance is present? A. In contempt or with insult to a public authority B. Disregard of rank being the Mayor C. Abuse of power in front of a public official D. Killing

Before killing his victim, Person "A" drank Emperador to make him bolder in the commission of the crime. What alternative circumstance is present? A. Education

Juan, thinking that the person walking in a dark alley was Pedro, his bitter enemy, fired at that person who was killed as a result. However, it turned out that the victim was Jose, who was Juan's best friend. In this situation, there is: A. Error in personae B. Complex crime C. Murder

Evidence which is addressed to the senses, as when objects are presented for the inspection of the court. A. Documentary B. Competent C. Relevant

The Revised Penal Code of the Philippines took effect on: A. January 1, 1990 B. December 1, 1930

What will a judge do if the acts done by a person being tried in court is not covered by law? A. Convict the accused B. Acquit the accused C. Place accused under probation D. Give the accused parole

A foreign merchant vessel entered the Philippine territorial waters. John, one of its crews, upon

seeing Masang who boarded the vessel through a banca, courted Masang and promised to marry her if she agrees to a sexual intercourse. Masang agreed, however after the sexual intercourse, John discovered that Masang is no longer a virgin. With this, he did not hold on to his promise and instead only paid Masang one hundred dollars. Is John criminally liable for breach of promise?

Decide. The accused was charged with serious physical injury because the injury obtained produced a scar. A. Serious physical injury is committed B. Less serious physical injury is committed C. Attempted homicide is committed D. Slight physical injury is committed

The cognizance of certain facts which judges may properly take and act without proof because they already know them. A. Judicial admission B. Judicial information C. Judicial knowledge D. Judicial notice

The declaration of an accused acknowledging his guilt of the offense charged, or of any offense necessarily included therein, may be given in evidence against him. A Admission

Which of the following is NOT a requirement for the admission or confession to be admissible? A. Must be in writing and under oath. B. Must be taken in the court. C. Written in a language known to the accused. D. Taken in the presence of a competent lawyer. E. Must be freely and voluntarily taken.

The duty of the party to present evidence to establish his claim is referred to as: A. Burden of proof B. Burden of evidence C. Presentation of evidence D. Weight of evidence

The following are the requisites before a court can validly exercise its jurisdiction, EXCEPT: A. It must have jurisdiction over the criminal investigation being made B. It must have jurisdiction over the person who committed the offense C. It must have jurisdiction over the place where the crime was committed D. It must have jurisdiction over the crime

The following are the requisites for the issuance of a search warrant, EXCEPT: A. It must be issued upon a probable cause B. It must describe the person to be searched C. Particularly describing the place to be searched D. The probable cause must be personally determined by the judge

The husband or the wife during or after the marriage cannot be examined without the consent of the other as to any communication received in confidence by one from the other during the marriage except in a civil case by one against the other, or in criminal case for a crime committed by one against the other or the latter's direct descendants or ascendants. A. Absolute privileged communication B. Qualified privileged communication C. Marital privileged communication D. Privileged communication

The number of days the accused has to prepare for trial after a plea of not guilty is entered. A. 10 days B. 15 days C. 20 days D. 25 days

The number of hours within which the police should file a complaint after the arrest of a person committing a crime punishable by correctional penalties. Otherwise, the same police officer will be charged with arbitrary detention. A. 12 hours B. 18 hours

Which among the following is a warrant issued by the court bearing its seal and signature of the judge directing the jail or prison authorities to receive the convicted offender for service of sentence or detention?

The officer to whom the warrant of arrest was assigned for execution shall make a report to the judge who issued the warrant, within

The police was informed of the presence of a marijuana plantation. The following day, the police together with the informer went to the location. When they arrived at the place, they saw the marijuana plants as was informed. Are the marijuana plants admissible as evidence? A. Yes B. No C. Maybe D. No idea

Accused jumped upon a woman and threw her to the ground. Although the accused raised her skirts, the accused did not make any effort to remove the woman's underwear. Instead, he removed his own underwear and placed himself on top of the woman and started performing sexual movements. The crime committed is: A. Acts of lasciviousness

The right of the state to initiate criminal actions in behalf of incapacitated individuals with no known parent, grandparent or guardian, is known as: A. Doctrine of non-suability B. Doctrine of parens patriae C. Habeas corpus D. Police power

the robbers entered the house. Upon entering through the window, one of the robbers stepped on a child less than 3 days old. The crime is: A. Robbery B. Robbery with abortion C. Robbery with homicide D. Robbery with infanticide

The substance of the crime and in its primary sense refers to the fact that a crime has been actually committed. This also refers to the body of the crime. A. Corpus delicti B. Curpus delictae C. Curpus delicti D. Curpos delicti

This is committed by a public officer. The crime includes entering the house with warrants maliciously obtained or abuse in the service thereof or searching domicile without witnesses. A. Grave coercion

Those still in the mind that is not punishable no matter how evil it is. Example, in your mind, you want to kill your wife. A. Overt acts B. External acts C. Internal acts D. Preparatory acts

Those who force or induce others to commit crime. For instance, Person "A" induces Person "B" with reward of money to kill person "C". A. Principal by active participation B. Principal by direct participation C. Principal by inducement D. Principal by indispensable cooperation

Juan invited Celia for a snack. They drove along Dumaguete Boulevard and to Bayawan, which is 100 kilometers from Dumaguete. The woman was already crying and wanted to be brought home. Juan imposed the condition that Celia should first marry him. A. Arbitrary detention

What happens to homicide if treachery is alleged and proved? It turns to: A. Murder B. Homicide with aggravating circumstance C. Murder with aggravating circumstance D. Serious physical injury

An assault case took place in Barangay 3, Slaton, Negros Oriental at 6.15 in the evening. Person "A" who claimed to witness the incident stated that he saw the accused walking down. Barangay 3 Street at 6pm. In this case Person "A" is giving what kind of evidence? A. Circumstantial Evidence B. Physical Evidence C. Tracing Evidence D. Associative Evidence

"Fruit of the poisonous tree" means: A. Any evidence must be relevant to the case at hand B. Any evidence that is obtained must be screened for relevance and credibility C. Any evidence that is illegally obtained is inadmissible in the court D. Any evidence that will be presented in the court must be labeled

Juan has a very bad feeling against Kario who molested Belen, the girlfriend of Juan. One day Juan decided to kill Kario, he found Kario sitting on a rocking chair. He stabbed Kario three times only to find out that Kario was already dead prior to his stabbing. What is the reason of the law punishing Juan? A. That Juan actually committed a crime B. That Juan is harboring ill feeling against Kario C. That Juan intended to kill Kario in the first place D. That the act of Juan is indicative of his criminal propensity or criminal tendency

Peter, while walking in an uninhabited place heard of a sound in a grassy lot along the road, he searched for it and found out that it was Juan who was dying due to a mortal or severe injury. Having an ill feeling against Juan, Peter did not extend assistance, thus, Juan died. Is Peter liable of any crime? A. No, because he did not do the killing of Juan B. No because Juan died of an injury where Peter was innocent of C. Yes, he is liable of intentional killing because he was driven by his ill feeling against Juan D. Yes, for omission by abandonment of person in danger.

Due to argument in the card game, Person "A" fired at Person "B" resulted to a hit on the shoulder of the latter. But Person B's wound was not mortal. What Person "A" then did was to approach Person "B" and told him, "Now you are dead, I will kill you!" However, after a short while, Person "A" took pity on his enemy and decided to keep the revolver and instead left from the scene. What crime was committed? A. Attempted homicide B. Consummated homicide

Person "A" the primary suspect of the crime was brought in the police station for interrogation. In the presence of his counsel, he was asked about the crime committed. He acknowledged of perpetuating the offense but refused to give full details on how it was committed. In this scenario, Person "A" is giving what statement? A. Testimony B. Deposition C. Confession

Decide. A police officer is armed with search warrant duly issued by a competent court. Upon searching the house, the witnesses present are two minors ages 8 and 10 years old. Is the search valid? A. Yes because the search is made by virtue of a warrant B. Yes because the warrant was issued by a competent court C. No because the search should be made during daytime D. No because the witnesses are not within what the law prescribes

What crime is committed when a public officer or employee shall prevent or disturb the ceremonies or manifestations of any religion? A. Interruption of religious worship B. Offending religious worship C. Atheism

During a birthday celebration, on the occasion of dancing, one of the participants lighted a firecracker and exploded it near the dancing hall. Is there an alarm or scandal being committed? A. yes, because the party people were frightened B. No, because it was only done near the dancing hall C. Yes, because the explosion is too loud D. No, because it is not calculated to cause alarm or danger

Decide. Person "A" a detainee, escaped from the jail after reluctant supervision from the guards. Is Person "A" liable for evasion of service of sentence under Article 157?

What provisional remedy is issued by a judge calling for the property of the adverse party to be brought into legal custody, either at the commencement of the action or any time thereafter before final judgment as a security for the satisfaction of a judgment obtained by the prevailing party? A. Attachment B. Habeas corpus C. Statute of limitation

Is the prosecutor or fiscal has the power to determine the innocence or guilt of the accused? A. Yes
Pedro the battalion commander of the Criminology Aptitude Training in ABCDE University filed a com-

plaint against a junior cadet Juan dela Cruz regarding his non-participation in the aptitude trainings. Together with his complaint affidavit were, attendance sheet which indicates Juan's absence, CCTV footage which showed Juan only playing at the internet café, written testimonies by three freshmen cadets, and performance rating of the accused. If you are the investigating fiscal on the case, what will you do? A. Dismiss the complaint B. Order Juan to submit his counter affidavits C. Summon both parties and arrive on amicable settlement D. Issue a resolution for approval by the chief fiscal

Upon receiving the information from prosecutor "A", Judge "B" upon review found out that a probable cause exists for Pedro to be put into trial. He was about to issue a Warrant of Arrest only to find out that Pedro was already detained in a lock up jail in PNP Dumaguete station. Instead of the issuance of a warrant, Judge "B" shall issue: A. Search warrant B. Arrest warrant C. Commitment order D. Detention order

There are three major organization of the courts: regular, special, and quasi judicial agencies. Court of tax appeals belongs to: A. Regular courts B. quasi judicial agencies C. special courts D. municipal trial court

If the crime committed by a person is punishable by more than four years and two months, where is the venue of the trial? A. Municipal trial court B. Regional trial court C. Court of tax appeals D. Supreme court

If complaint is a written accusation furnished by the complainant, information is a written accusation furnished by the: A. Prosecutor

If the person is arrested without a warrant and his crime is punishable with light penalties, the police officer and the prosecution are given how many hours to complete the process of investigation in finding probable cause to file information? A. 10 hours

The following are principles governing the application and effect of laws, EXCEPT: A. Applicability B. Generality C. Prospectivity D. Territoriality

In a case, Dr. Procopio was ordered by the court to produce at trial the patient's charts, laboratory and x-ray results and other documents under his possession and control. The process served on him to do is called A. Ordinary subpoena B. Subpoena duces tecum C. Subpoena ad testificandum D. Court summons

In infanticide, the penalty provided for parricide in Article 246 and for murder in Article 248 shall be imposed upon any person who shall kill any child: A. 72 hours after it was born B. Less than 72 hours after it was born C. 3 days old D. More than 3 days old

Pedro was killed by Juan using a 9mm firearm. The immediate family of the victim filed a case against Juan. To shed light on the cause of death and the nature of the gunshot wounds, Dr. Tan was ordered by the court to testify. However, Dr. Tan refused to attend on several occasions a court hearing citing as reason that he has a lot of OPD patients to see. He may be cited for: A contempt of court B. Refuse to cooperate with the court C. Disrespect for the court D. Unduly prioritizing his clinic practice

Upon arrival at the crime scene you obtained the following evidences: spots of blood on the floor, an M16 rifle approximately 3 meters from the blood spots, cartridge cases, and a stained knife. What corpus delicti evidence is needed to prove that this case is homicidal? A. Dead body of the victim B. Gunshot residue coming from the rifle C. Paraffin test showing the presence of gunshot residue D. CCTV footage that captures the event

Do you need a warrant of arrest in arresting an escaped prisoner? A. Yes B. No

Which of the following is TRUE concerning rape? A. Force must be irresistible B. Offender may now be a male or a female C. Penetration must be complete D. Presence of influence over the victim

100. What crime is committed by a person who kills his legitimate brother on the occasion of public calamity? A. Parricide B. Murder

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