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

**Impact of the Eighth Amendment Exam**

\_\_\_\_\_1. The Eighth Amendment states that minimum bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

1. True
2. False

\_\_\_\_\_2. To what document does the 8th Amendment trace its origins? It states that a man may be fined according to the measure of the offense.

1. Declaration of Independence
2. English Bill of Rights
3. Magna Carta
4. U.S. Bill of Rights

\_\_\_\_\_3. What year was the document in question number 2 created?

1. 1215
2. 1776
3. 1789
4. 1689

\_\_\_\_\_4. What document incorporated the principle of proportionality and was used by the framers of the U.S. Constitution to write the Eighth Amendment?

1. Declaration of Independence
2. English Bill of Rights
3. Magna Carta
4. U.S. Bill of Rights

\_\_\_\_\_5. What year was the document in question number 4 created?

1. 1215
2. 1776
3. 1789
4. 1689

\_\_\_\_\_6. Joe is arrested for attempted murder. What will the judge consider when determining the amount of Joe’s bail?

1. Joe’s $100,000 a year salary

II. The fact that Joe has never been arrested before III. The fact that Joe’s family has a long history of crime

IV. The fact that the charge is a felony

1. I, II
2. I, II, III
3. I, II, IV
4. II, III, IV
5. I, II, III, IV

\_\_\_\_\_7. The Excessive Fines Clause of the Eighth Amendment limits the amount that courts may fine a person for a particular crime.

1. True
2. False

\_\_\_\_\_8. The Excessive Bail Clause of the Eighth Amendment restricts judicial discretion in setting bail.

1. True
2. False

\_\_\_\_\_9. Who or what is the measuring stick for how offensive a punishment is?

1. The U.S. Supreme Court
2. The judge over the case
3. The jury deciding the case
4. Society at large

\_\_\_\_10. What did the U.S. Supreme Court say a court has to follow when considering sentencing a person to prison?

I. The gravity of the offense and the harshness of the penalty

II. The sentences imposed on other criminals in the same jurisdiction

III. The sentences imposed for commission of the same crime in other jurisdictions IV. The sentences imposed for the same crime in other developed countries

1. I, II, III
2. I, II, IV
3. I, III, IV
4. II, III, IV

**Directions:** The following questions have yes/no answers. For some of them, you must explainyour answer. It is possible to get counted off twice for the question when you do not explain.

\_\_\_\_11. Rob commits capital murder. He is sentenced to death by burning at the stake. Is this punishment constitutional?

1. Yes
2. No

\_\_\_\_12. Rob commits capital murder. He is sentenced to death by electrocution. Is this punishment constitutional?

1. Yes
2. No

If no, why not?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_13. Rob commits capital murder. He is mentally retarded. He is sentenced to death by electrocution. Is this punishment constitutional?

1. Yes
2. No

If no, why not?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_14. Rob commits capital murder. He is 16. He is sentenced to death by electrocution. Is this punishment constitutional?

1. Yes
2. No

If no, why not?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_15. Rob is convicted of capital murder. The jury sentences him to death by lethal injection. Is this punishment constitutional?

1. Yes
2. No

If no, why not?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_16. Rob is convicted of capital murder. The jury sentences him to death by firing squad. Is this punishment constitutional?

1. Yes
2. No

If no, why not?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_17. Rob is convicted of aggravated robbery. He is sentenced to 10 years in prison. Is this punishment constitutional?

1. Yes
2. No

\_\_\_\_18. Rob is convicted of aggravated robbery. He is sentenced to 10 years of probation, a $5,000 fine, and 250 hours of community service. Is this punishment constitutional?

1. Yes
2. No

If no, why not?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_19. Rob is convicted of aggravated robbery. He is sentenced to 2 years at a work camp that requires 16-hour work days, even in extreme weather. Is this punishment constitutional?

1. Yes
2. No

If no, why not?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_20. Rob is a habitual drug addict who is always in and out of jail. The police suspect that he is responsible for many of the house and car break-ins that have happened in the area during the last 6 months, but they do not have enough evidence to prove it.

However, they can prove that he is a drug addict. The detectives come to you (the police department’s attorney) to see if they can bring charges against Rob for his history of drug abuse with the circumstantial evidence that he has been involved in the long list of burglaries. What would you tell them?

1. Yes
2. No

If no, why not

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_21. Rob is a serial rapist that is found guilty on all sexual assault charges. Which punishment can the jury not choose to give Rob?

1. Life in Prison without Parole
2. Death Penalty

Why didn’t you pick the other option? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_22. Does anything change in the above answer if Rob is a minor?

1. Yes
2. No

If yes, why?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_23. Rob is found guilty of money laundering with help from overseas networks. Can you as the district attorney suggest to the jury that they punish Rob by taking away his natural born U.S. citizenship?

1. Yes
2. No

\_\_\_\_24. Rob is a habitual offender who has had five children with four different women. Two of his adult children are currently in prison and two others have been in and out of the juvenile correctional system. Rob is caught and found guilty of another crime that will send him to prison. The jury has added to Rob’s punishment that he must be sterilized to break the cycle of crime that he is producing. You are an appeals judge who reviews this case. What is your ruling?

1. Uphold the punishment
2. Overturn the punishment

\_\_\_\_25. Rob is mentally retarded without the ability to understand the consequences of his actions. Rob has fathered numerous children, several of which are in foster care because he is unable to support them. Rob is found guilty of a crime. The jury finds him not guilty by reason of insanity but requires that he be sterilized. Is this punishment constitutional?

1. Yes
2. No

\_\_\_\_26. Rob is arrested for possession of over 600 grams of cocaine. He is found guilty and receives a life sentence without parole. Is this punishment constitutional?

1. Yes
2. No

\_\_\_\_27. Life sentences without the possibility of parole for the third crime of the “three strikes, you’re out” rule is not cruel and unusual.

1. True
2. False