

# Bevans Review Questions

## Chapter 1

### An Introduction to Criminal Law

1. Can you make a case for relaxing the higher standard for a criminal case and bringing it more in line with the standard found in civil cases?

One way to make such a case is to say that with such a high standard as reasonable doubt it makes it harder for prosecutors to convict people who are guilty of crimes. Of course, the rejoinder to that argument would be that it shouldn't be easy to put people in jail and nobody ever said that a prosecutor's job was easy.

2. (Referring to Question #1) Is there some reason why this distinction should remain?

Under our system, a person is considered to be innocent unless and until he or she is proved to be guilty. That has been the bedrock of our criminal justice system since its founding and it has served us very well. Some might even argue that it is because of our legal system that we are the sole remaining super power. Our freedom gives our people the chance to aspire to the style of life that they cannot achieve in other countries.

3. Should the state government system be done away with? Is there any reason to continue to maintain separate state and federal government systems?

Student answers will vary according to their temperament and their experience with the criminal justice system. The practical response, however, is that the state system was created as a compromise between state's rights supporters and federalists after the collapse of the Articles of Confederation and history has shown that once power is delegated it is extremely difficult to get it back.

4. Should anyone accused of terrorism, especially where there is loss of life, be denied the same processes as people accused of other crimes? Why or why not?

This argument has been raised by many commentators, claiming that terrorists present a special threat to the very core of our society and that we cannot afford to treat them as we would normal criminals. They present an existential threat to the existence of the United States. On the other side, there is the argument that courts in this country hear cases on a wide variety of issues, including very delicate and highly classified issues, and yet our system handles them quite well. It was the state court system in Oklahoma, for instance, that tried Timothy McVeigh and eventually put him to death.

5. If you had to explain "proof beyond a reasonable doubt" to someone else, how would you describe it?

One way of doing it is by saying that when something is proven beyond a reasonable doubt, the person is not relieved of all doubt, but they are satisfied enough that they would make a major life decision based on the information that they had received.