

Name: \_\_\_\_\_

Date: \_\_\_\_\_

### **Criminal Homicide Exam**

1. \_\_\_\_\_ A person commits criminal homicide if he intentionally, knowingly, recklessly, or with criminal negligence causes the death of an individual.  
**A True**  
**B False**
  
2. \_\_\_\_\_ Criminal homicide includes murder, capital murder, manslaughter, and criminally negligent homicide.  
**A True**  
**B False**
  
3. \_\_\_\_\_ Which of the charges below involves the death of the victim?  
**A Manslaughter**  
**B Criminally Negligent Homicide**  
**C Kidnapping**  
**D A and B**
  
4. \_\_\_\_\_ At the punishment stage of a trial, the defendant may raise the issue as to whether the death was caused due to sudden passion.  
**A True**  
**B False**
  
5. \_\_\_\_\_ If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense is a \_\_\_\_\_.  
**A Felony of the First Degree**  
**B Felony of the Second Degree**  
**C Felony of the Third Degree**  
**D State Jail Felony**
  
6. \_\_\_\_\_ "Behavior that would commonly produce a degree of anger, rage, resentment, or terror in a person of ordinary temper, sufficient to render the mind incapable of cool reflection," defines which of the following?  
**A Adequate Cause**  
**B Sudden Passion**  
**C All of the above**  
**D None of the above**
  
7. \_\_\_\_\_ "Behavior directly caused by and arising out of provocation by the individual killed or another acting with the person killed which emotion arises at the time of the offense and is not solely the result of former provocation," defines which of the following?  
**A Adequate Cause**  
**B Sudden Passion**  
**C All of the above**  
**D None of the above**

8. \_\_\_\_\_ “A person commits an offense if he recklessly causes the death of an individual,” defines which of the following?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
9. \_\_\_\_\_ “A lawful medical procedure performed by a physician or other licensed health care provider with the requisite consent, if the death of the unborn child was the intended result of the procedure,” defines which of the following?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
10. \_\_\_\_\_ “The person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman,” defines which of the following?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
11. \_\_\_\_\_ An offense under which of the following sections is a state jail felony?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
12. \_\_\_\_\_ “The person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction or retaliation, or terroristic threat,” defines which of the following?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
13. \_\_\_\_\_ Juanita was a judge working at the court at the downtown jail. Drug dealer Charles saw Juanita walking through the jail and said, “Million dollar bond? If I’m going to death row, you’re gonna die too.” He then grabbed Juanita around the neck and, with superhuman strength, crushed her throat causing her to die. What is the most serious charge you can legitimately file against Charles?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct

14. \_\_\_\_\_ Sally has been married to Ahmed for several years and is tired of his behavior. She has wanted to end the marriage for a long time but has not filed for divorce because she is afraid that she might have to pay Ahmed alimony. Sally decides to pay Michael to kill Ahmed and make it look like an accident. Sally's plan works. What should Sally be charged with?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
15. \_\_\_\_\_ Jimmy, a 17 year old, was skateboarding on the property of a shopping center that had a visible sign posted that stated, "No skateboarding on property." As Jimmy was skating he turned a corner and ran into Judith, an elderly woman, who was shopping on the property. The fall that Judith took caused her to strike her head on the concrete, which resulted in her death. What offense should Jimmy be charged with?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
16. \_\_\_\_\_ David successfully stole a car. Six blocks from the site of the theft, David saw a police officer in uniform working as a school crossing guard. David intentionally hit the police officer, which killed him. What is the most serious crime that you can file on David?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
17. \_\_\_\_\_ Cecil decided he had enough meddling from his wife's family. He got his gun, drove to his mother-in-law's house, and shot her dead. Cecil then set out looking for his father-in-law. Shortly thereafter, Cecil found him at his favorite fishing spot and shot him dead. What is the correct charge for Cecil?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
18. \_\_\_\_\_ Roger is in prison and joins a prison gang. Roger's gang gets in a fight with another prison gang and the prison guards try to break it up. During this time, Roger knocks a guard unconscious. The guard later dies from his wounds. What should Roger be charged with?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct

19. \_\_\_\_\_ Gilbert decided to test the limits of his brand new Mustang. He drove down the freeway at 110 mph. As he came over the top of a hill, there was a disabled car in his lane. Gilbert swerved to avoid the car, which caused his car to roll over. This killed Tiffany, who had stopped to change a tire and had been standing along the side of the freeway. Gilbert should be charged with what offense?
- A Capital Murder
  - B Manslaughter
  - C Criminally Negligent Homicide
  - D Applicability to Certain Conduct
20. \_\_\_\_\_ Stephen has been in prison for 5 years and comes up with a plan to escape. Stephen executes his plan during the nighttime. Something goes terribly wrong and he is caught by a guard. Stephen decides that, no matter what, he does not want to stay in prison, so he finds a nearby pipe lying on the ground and kills the guard with it. What should Stephen be charged with when he is caught?
- A Capital Murder
  - B Manslaughter
  - C Criminally Negligent Homicide
  - D Applicability to Certain Conduct
21. \_\_\_\_\_ Ruthie was driving her Porsche at a rate of 50 miles-per-hour in a school zone while children were being released from school. She accidentally hits and kills a child who is crossing the street. Ruthie should be charged with which offense?
- A Capital Murder
  - B Manslaughter
  - C Criminally Negligent Homicide
  - D Applicability to Certain Conduct
22. \_\_\_\_\_ Ethan decided to burglarize a house. While in the home, he was confronted by the homeowner, who displayed a gun and said, "Hands up or you're dead." Ethan then grabbed his own handgun and shot the homeowner, killing him. Ethan has committed which offense?
- A Capital Murder
  - B Manslaughter
  - C Criminally Negligent Homicide
  - D Applicability to Certain Conduct
23. \_\_\_\_\_ Margaret drowns her two-year-old daughter. What should Margaret be charged with?
- A Capital Murder
  - B Manslaughter
  - C Criminally Negligent Homicide
  - D Applicability to Certain Conduct

24. \_\_\_\_\_ Philip arrives home to find his wife in bed with Nathan. Grief-stricken, Philip heads to a bar to deal with the situation. After having seven mixed drinks, Philip gets into his car, drives down the street at twice the posted speed limit, and accidentally hits and kills a pedestrian. What crime should Philip be charged with?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct
25. \_\_\_\_\_ Dalton is serving 40 years in prison for murder. Dalton feels like he will never get out and doesn't fear getting into trouble. Dalton has a cellmate that annoys him. His cellmate will intentionally take actions that make Dalton angry. One night Dalton suffocates his cellmate with a pillow. What should Dalton be charged with?
- A** Capital Murder
  - B** Manslaughter
  - C** Criminally Negligent Homicide
  - D** Applicability to Certain Conduct