

1. A court's authority to hold a trial is its _____.

- a. venire
- b. original jurisdiction
- c. appellate jurisdiction
- d. venue

ANSWER: b

REFERENCES: The Dual Court systems in the United States

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Remember

2. A court with **only** appellate jurisdiction has the authority to _____.

- a. retry a case
- b. review the evidence to determine facts
- c. review the legal issues of a case
- d. review only plain error

ANSWER: c

REFERENCES: The Dual Court systems in the United States

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Remember

3. In order of authority from lowest to highest, the structure of the federal court system is _____.

- a. US Court of Appeals, US District Court, US Supreme Court
- b. US District Court, US Superior Court, US Supreme Court
- c. US Circuit Court, US District Court, US Supreme Court
- d. US District Court, US Court of Appeals, US Supreme Court

ANSWER: d

REFERENCES: Federal Courts

LEARNING OBJECTIVES: CPCJ.FERD.16.2.1

KEYWORDS: Bloom's: Understand

4. A court which can try **any** type of case has _____.

- a. limited jurisdiction
- b. appellate jurisdiction
- c. general jurisdiction
- d. *certiorari*

ANSWER: c

REFERENCES: The Dual Court systems in the United States

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Remember

5. When the United States Supreme Court grants a writ of *certiorari*, this means that the Court is _____.

- a. taking original jurisdiction over the case
- b. obligated to review the case
- c. willing to review a case decided by a lower court
- d. willing to retry the case

ANSWER: c

REFERENCES: The Dual Court systems in the United States

LEARNING OBJECTIVES: CPCJ.FERD.16.2.1

KEYWORDS: Bloom's: Understand

6. Prosecution is commonly termed _____ when a prosecutor increases the number or severity of charges to penalize a defendant who exercises constitutional or statutory rights.

- a. vindictive
- b. selective
- c. righteous
- d. malicious

ANSWER: a

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.5

KEYWORDS: Bloom's: Analyze

7. The purpose of the preliminary hearing is to _____.

- a. try the defendant
- b. accept the defendant's plea
- c. determine the existence of probable cause
- d. make a judgment on motions to suppress evidence

ANSWER: c

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

8. Which statement about plea bargaining is true?

- a. A plea agreement is not a contract.
- b. If the defendant breaches a plea agreement, the prosecution can pursue charges, but cannot pursue more serious charges than originally planned.
- c. Very few cases are resolved through plea bargaining.
- d. If the prosecution breaches a plea agreement, the defendant may be allowed to withdraw a guilty plea.

ANSWER: d

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.6

KEYWORDS: Bloom's: Evaluation

9. Which term best defines the particular county or geographical area in which a court with jurisdiction may hear and determine a case?

- a. first notice
- b. venue
- c. arraignment
- d. geographic subdivisions

ANSWER: b

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.7

KEYWORDS: Bloom's: Analyze

10. A(n) _____ can be issued without demonstrating probable cause.

- a. indictment
- b. prosecutor's information
- c. true bill
- d. subpoena

ANSWER: d

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.3

KEYWORDS: Bloom's: Understand

11. The defendant's plea is requested at the _____.

- a. indictment
- b. preliminary hearing
- c. initial appearance
- d. arraignment

ANSWER: d

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

12. What limitation is placed on a prosecutor's discretion to file charges and to make a determination about what offense to charge?

- a. The prosecutor must have an established record of making the same decision in substantively similar cases.
- b. The prosecutor must have probable cause to believe the defendant committed the charged offense.
- c. The evidence relied on by the prosecution must not be based entirely upon circumstantial evidence.
- d. The prosecutor must have reasonable suspicion to believe the defendant committed the charged offense.

ANSWER: b

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.5

KEYWORDS: Bloom's: Analyze

13. Evidence that may be favorable to the defendant at trial by tending to cast doubt on the defendant's guilt is called _____.

- a. error-prone evidence
- b. circumstantial evidence
- c. exculpatory evidence
- d. impeachment material

ANSWER: c

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.6

KEYWORDS: Bloom's: Evaluate

14. The main purpose of the arraignment is to _____.

- a. indict the defendant
- b. accept a plea from the accused
- c. set bail for the accused

d. determine probable cause

ANSWER: b

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

15. When a defendant stands mute, a plea of _____ is entered on his or her behalf.

- a. not guilty
- b. guilty
- c. *nolo contendere*
- d. innocent

ANSWER: a

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

16. Competency to stand trial _____.

- a. must be determined before an individual can be arraigned
- b. may be raised at any point during the trial but before a verdict is rendered
- c. must be raised prior to any evidence being heard
- d. may be raised at any point of the proceedings, including after conviction

ANSWER: d

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.6

KEYWORDS: Bloom's: Evaluate

17. Circumstantial evidence _____.

- a. indirectly infers a fact at issue
- b. directly establishes a fact at issue
- c. can be physical, tangible evidence, but not testimonial evidence
- d. can be testimonial evidence, but not physical, tangible evidence

ANSWER: a

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

18. The exclusionary rule _____.

- a. does not exclude evidence that could have been later obtained from an independent source
- b. automatically excludes all evidence seized in violation of the U.S. Constitution
- c. applies only to federal criminal trials, but not state trials
- d. is a rule that is explicitly stated in the Fourth Amendment

ANSWER: a

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

19. The exclusionary rule _____.
a. applies to evidence seized by both the police and private citizens
b. was designed to deter police misconduct
c. is a rule that is explicitly stated in the Fourth Amendment
d. has always applied to both state and federal criminal proceedings

ANSWER: b

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

20. What rule of law requires exclusion of tainted evidence even if it is relevant?
a. the exclusionary rule
b. good faith exception
c. attenuation doctrine
d. probable cause

ANSWER: a

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

21. What rule of law can potentially work to admit illegally obtained evidence that might otherwise be excludable?
a. fruit of the poisonous tree doctrine
b. preponderance of evidence
c. probable cause
d. good faith exception

ANSWER: d

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

22. To challenge the admissibility of evidence, a defendant must _____.
a. have legal representation because only lawyers can make challenges
b. have exhausted all appeals because challenges can only be made in appeals
c. have standing, which refers to the ability to raise a legal claim
d. get permission from the prosecution which must be in writing

ANSWER: c

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

23. Police interrogate a suspect who tells police where a stash of illegal drugs is hidden which are then seized by the police. The drugs are best classified as _____.
a. primary evidence
b. derivative evidence
c. circumstantial evidence
d. fruit of the poisonous tree

ANSWER: b
REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule
LEARNING OBJECTIVES: CPCJ.FERD.16.2.8
KEYWORDS: Bloom's: Evaluate

24. Which statement most accurately describes the "inevitable discovery" exception to the exclusionary rule?
- If the government can show that the discovery of the tainted evidence was inevitable, the evidence will be admissible, even though it was initially illegally obtained.
 - If the defense can show that the evidence was obtained in violation of the Constitution, that evidence is not admissible, even though the contested evidence would have been discovered by lawful means in the absence of police misconduct.
 - The exclusionary rule does not apply if the officer made an illegal search but later obtained a search warrant that particularly described the evidence seized.
 - If the inevitable discovery exception is to apply as an exception to the exclusionary rule, the government must show beyond a reasonable doubt that the contested evidence would have been discovered by lawful means.

ANSWER: a
REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule
LEARNING OBJECTIVES: CPCJ.FERD.16.2.8
KEYWORDS: Bloom's: Evaluate

25. Police with probable cause to believe that a warehouse contains marijuana unlawfully enter the warehouse and observe marijuana. The officers leave and obtain a search warrant using their original probable cause, not their unlawful observations. The best chance for the prosecutor to have the evidence be admissible would be under which exception?
- the attenuation exception
 - the independent source exception
 - the inevitable discovery exception
 - the good faith exception

ANSWER: b
REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule
LEARNING OBJECTIVES: CPCJ.FERD.16.2.8
KEYWORDS: Bloom's: Evaluate

26. A patrol officer is chasing a suspect fleeing from an armed robbery in which the suspect fired a pistol. The suspect flees into his own home, where the officer enters and arrests the suspect. An immediate search of the suspect reveals an empty shoulder holster. Without advice of rights, the officer asks the suspect the whereabouts of the gun. The suspect states that he threw it into the trash bin as he ran through the house. The weapon is found. The _____ exception would probably form the most effective legal argument to make the gun admissible at trial.
- derivative evidence
 - good faith
 - inevitable discovery
 - attenuation

ANSWER: c
REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule
LEARNING OBJECTIVES: CPCJ.FERD.16.2.8
KEYWORDS: Bloom's: Evaluate

27. The exclusionary rule requires that _____
- unambiguous evidence of prosecutorial misconduct be presented

- b. demonstration that the evidence was maliciously obtained
- c. the prosecutor be willing to stipulate the evidence was illegally obtained
- d. the defendant's Fourth, Fifth, or Sixth Amendment rights have been violated

ANSWER: d

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

28. Based on the concept of "new federalism," _____.

- a. the federal law is always given authority over state law, even if the state law grants more freedoms and liberties to the individual
- b. the state law is always given authority over federal law, regardless of which law grants more freedoms and liberties
- c. the federal law is given authority over state law, unless the state law grants more freedoms and liberties to the individual
- d. federal law is given authority over state law, unless the state law grants additional authority to the state government that is not recognized by the U.S. Constitution

ANSWER: c

REFERENCES: The Dual Court systems in the United States

LEARNING OBJECTIVES: CPCJ.FERD.16.2.1

KEYWORDS: Bloom's: Understand

29. Although civil lawsuits against state agents are one alternative to the exclusionary rule, _____.

- a. civil lawsuits can only be filed by members of certain protected classes
- b. police and other agents of the state are able to claim absolute immunity
- c. police and other agents of the state are able to claim qualified immunity
- d. police and other agents of the state are able to claim transactional immunity

ANSWER: c

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

30. The U.S. Supreme Court ruled in *Connick v. Thompson* (2011) that a local municipality is not liable for a *Brady* violation unless _____.

- a. the prosecutor knowingly violated office policy
- b. the District Attorney's Office knowingly drafted a policy that violated *Brady*
- c. there the individual defendant was clearly damaged in some way
- d. there was a pattern of violations

ANSWER: d

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

31. If a criminal suspect is arrested without a warrant, the complaint serves as the charging document.

- a. True
- b. False

ANSWER: True

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Remember

32. In felony cases, the purpose of the initial appearance is to accept the defendant's plea.

- a. True
- b. False

ANSWER: False

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

33. The purpose of the grand jury is to reach a verdict in a criminal case.

- a. True
- b. False

ANSWER: False

REFERENCES: Federal Courts

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

34. A plea of *nolo contendere* is an admission of guilt, but cannot be used against the defendant in a civil action.

- a. True
- b. False

ANSWER: False

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

35. DNA evidence is, in all instances, direct evidence.

- a. True
- b. False

ANSWER: False

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.6

KEYWORDS: Bloom's: Evaluate

36. The judicial process in the United States does not require proof to an absolute certainty in any phase of proceedings.

- a. True
- b. False

ANSWER: True

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

37. The U.S. Supreme Court has not adopted a specific definition for the "beyond a reasonable doubt" standard.

- a. True
- b. False

ANSWER: True
REFERENCES: Preliminary Pretrial Criminal Proceedings
LEARNING OBJECTIVES: CPCJ.FERD.16.2.6
KEYWORDS: Bloom's: Evaluate

38. The exclusionary rule will not be invoked in instances where a police officer acts in good faith in following what he or she believes to be the law.

- a. True
- b. False

ANSWER: True
REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule
LEARNING OBJECTIVES: CPCJ.FERD.16.2.8
KEYWORDS: Bloom's: Evaluate

39. The exclusionary rule applies to all errors stemming from police negligence in maintaining warrant databases.

- a. True
- b. False

ANSWER: False
REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule
LEARNING OBJECTIVES: CPCJ.FERD.16.2.8
KEYWORDS: Bloom's: Evaluate

40. Competency to stand trial can be raised at any point in the criminal process, even after a conviction.

- a. True
- b. False

ANSWER: True
REFERENCES: Preliminary Pretrial Criminal Proceedings
LEARNING OBJECTIVES: CPCJ.FERD.16.2.4
KEYWORDS: Bloom's: Understand

41. The lowest level of criminal court in the federal system is the _____.

ANSWER: U.S. District Court
REFERENCES: Federal Courts
LEARNING OBJECTIVES: CPCJ.FERD.16.2.1
KEYWORDS: Bloom's: Understand

42. Criminal process against a felony defendant begins formally with the filing of a _____.

ANSWER: complaint
REFERENCES: Preliminary Pretrial Criminal Proceedings
LEARNING OBJECTIVES: CPCJ.FERD.16.2.3
KEYWORDS: Bloom's: Understand

43. An affidavit can be described as a _____.

ANSWER: sworn statement
REFERENCES: Preliminary Pretrial Criminal Proceedings
LEARNING OBJECTIVES: CPCJ.FERD.16.2.3
KEYWORDS: Bloom's: Understand

44. The location of the court is referred to as the _____.

ANSWER: venue

REFERENCES: The Dual Court systems in the United States

LEARNING OBJECTIVES: CPCJ.FERD.16.2.7

KEYWORDS: Bloom's: Analyze

45. The main purpose of _____ is to accept the defendant's plea.

ANSWER: arraignment

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

46. The prosecutor's failure to disclose evidence which would show the defendant to be not guilty is a violation of the _____.

ANSWER: Brady Rule

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.6

KEYWORDS: Bloom's: Evaluate

47. A(n) _____ is issued to a person accused of a crime to compel attendance at a criminal proceeding to answer to charges.

ANSWER: summons

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Remember

48. To challenge the admissibility of evidence and potentially have evidence excluded at trial, a defendant must first have _____—the ability to raise a legal claim.

ANSWER: standing

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

49. The primary duty of the _____ is to receive complaints in criminal cases, hear the evidence put forth by the state, and return an indictment when a majority of the grand jury is satisfied that there is probable cause that the defendant has committed an offense.

ANSWER: grand jury

REFERENCES: Federal Courts

LEARNING OBJECTIVES: CPCJ.FERD.16.2.4

KEYWORDS: Bloom's: Understand

50. Information not contained in the body of the complaint, or that comes from witnesses other than the complainant, may be brought to the court's attention in the form of a(n) _____.

ANSWER: affidavit

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.3

KEYWORDS: Bloom's: Understand

51. Identify and describe the lowest level of criminal court in your state's system and describe the types of cases the court typically handles.

ANSWER: Answers will vary (depending on student locale)

REFERENCES: The Dual Court systems in the United States

LEARNING OBJECTIVES: CPCJ.FERD.16.2.1

KEYWORDS: Bloom's: Understand

52. Draw a schematic diagram comparing the federal court system to your state's system. Describe the differences in the diagram of your state system against the text's diagram of the federal court system.

ANSWER: Answers will vary (depending on student locale).

REFERENCES: The Dual Court systems in the United States

LEARNING OBJECTIVES: CPCJ.FERD.16.2.1

KEYWORDS: Bloom's: Understand

53. Outline the stages of the criminal justice system, from arrest through arraignment, as they would normally occur.

ANSWER: Answers will vary.

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Understand

54. Compare and contrast direct evidence and circumstantial evidence. Provide an illustration of how a single piece of evidence can be direct evidence in one instance and circumstantial evidence in another instance.

ANSWER: Answers will vary.

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Understand

55. Explain the notions of burden of persuasion and burden of production.

ANSWER: Answers will vary.

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Understand

56. What is the meaning of the term "new federalism"? Provide an example of "new federalism" in action.

ANSWER: Answers will vary.

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

57. What is derivative evidence? Provide an example.

ANSWER: Answers will vary.

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

58. Detail the exceptions to the exclusionary rule and provide an example of each.

ANSWER: Answers will vary.

REFERENCES: Motions to Suppress Evidence and the Exclusionary Rule

LEARNING OBJECTIVES: CPCJ.FERD.16.2.8

KEYWORDS: Bloom's: Evaluate

59. Explain what is meant by the term "demonstrative evidence."

ANSWER: Answers will vary.

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Understand

60. Highlight the difference between venue and jurisdiction.

ANSWER: Answers will vary.

REFERENCES: Preliminary Pretrial Criminal Proceedings

LEARNING OBJECTIVES: CPCJ.FERD.16.2.2

KEYWORDS: Bloom's: Understand