Criminal Procedure Law and Practice 10th edition Carmen Test Bank

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1. A citation issued by a court is a/an:
   a. order commanding a person to appear in court at a specific date and answer certain charges.
   b. writ directed to a peace officer requiring them to notify the person about pending charges.
   c. process issued by the judge from the bench ordering that a person be taken into custody.
   d. document similar to an arrest warrant.

   ANSWER: a
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.09
   KEYWORDS: Bloom's: Remember

2. Defendants are entitled to a lawyer at plea bargaining under the _____ Amendment.
   a. Fourth
   b. Fifth
   c. Sixth
   d. Eighth

   ANSWER: c
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.09
   KEYWORDS: Bloom's: Remember

3. The person who decides and imposes sentences in most states is:
   a. the judge or jury at the prosecutor's option.
   b. a sentencing commission.
   c. the judge.
   d. the jury.

   ANSWER: c
   REFERENCES: The Procedure During Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.03
   KEYWORDS: Bloom's: Remember

4. The document that leads to the issuance of an arrest warrant is a:
   a. citation.
   b. summons.
   c. certiorari.
   d. complaint.

   ANSWER: d
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.10
   KEYWORDS: Bloom's: Remember

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5. In the great majority of cases, the criminal justice process is triggered against a suspect by:
   a. indictment.
   b. information.
   c. capias.
   d. arrest without a warrant.

   ANSWER: d
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.01
   KEYWORDS: Bloom's: Remember

6. The law of criminal procedure is similar in all jurisdictions because of:
   a. common law rules.
   b. U.S. Supreme Court decisions.
   c. state constitutions.
   d. administrative regulations.

   ANSWER: b
   REFERENCES: Procedural Differences In Jurisdictions
   LEARNING OBJECTIVES: CPLP.DELC.17.02.06
   KEYWORDS: Bloom's: Remember

7. The procedure by which law enforcement officials record facts about the arrest together with information concerning the identification of the suspect and other pertinent facts is called:
   a. arraignment.
   b. booking.
   c. sequestration.
   d. preliminary hearing.

   ANSWER: b
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.01
   KEYWORDS: Bloom's: Remember

8. Twenty-three of the fifty states use _____ as the sole source of names for jury duty.
   a. the voter registration list
   b. telephone directories
   c. city directories
   d. census results

   ANSWER: a
   REFERENCES: The Procedure During Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.07
   KEYWORDS: Bloom's: Remember

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9. Most arrests in the U.S. are made _____.
   a. without a warrant
   b. without a capias
   c. with a warrant
   d. with a capias

   ANSWER: a
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.01
   KEYWORDS: Bloom's: Remember

10. Typically, the first thing that will happen after arrest is:
   a. preliminary hearing.
   b. booking.
   c. arraignment.
   d. indictment.

   ANSWER: b
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.01
   KEYWORDS: Bloom's: Remember

11. Shortly after arrest, the person will be brought before a magistrate or judge to be given warnings and have bail set. This proceeding is called the:
   a. indictment, complaint, or information.
   b. initial appearance, presentment, or arraignment on the warrant.
   c. preventive detention, preliminary hearing, or examining trial.
   d. binding over, commitment or discharge hearing.

   ANSWER: b
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.01
   KEYWORDS: Bloom's: Remember

12. A preliminary hearing is usually held for what three main purposes?
   a. Determination of probable cause, discovery, decision on "binding over."
   b. Determination of probable cause, discovery, presentation of evidence."
   c. Determination of guilt, discovery, decision on "binding over."
   d. Determination of mental capacity, discovery, decision on "binding over."

   ANSWER: a
   REFERENCES: The Procedure Before Trial
   LEARNING OBJECTIVES: CPLP.DELC.17.02.01
   KEYWORDS: Bloom's: Remember

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13. A grand jury hearing:
    a. is required in all states by the U.S. Constitution.
    b. is required in all federal misdemeanor cases.
    c. may result in an indictment if probable cause is shown.
    d. may result in an information if reasonable suspicion is shown.

    ANSWER: c
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

14. The formal court proceeding in felony cases where the defendant is officially notified of the charges and asked to enter a plea is called a/an:
    a. preliminary hearing.
    b. arraignment.
    c. bail hearing.
    d. examining trial.

    ANSWER: b
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.10
    KEYWORDS: Bloom's: Remember

15. A _____ occurs when the defendant agrees to plead guilty in return for promises or concessions from the prosecutor.
    a. plea of no contest
    b. nolle prosequi
    c. change of venue
    d. plea bargain

    ANSWER: d
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.09
    KEYWORDS: Bloom's: Remember

16. A summons is a writ directed to a peace officer or other person commanding them to:
    a. take the person into custody.
    b. seize the person's property because the property is evidence of a crime.
    c. issue a citation to the person.
    d. notify the person that they must appear in court to answer charges.

    ANSWER: d
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

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17. A question that suggests to the witness the desired answer is known as a:
    a. cross-examination question.
    b. peremptory question.
    c. leading question.
    d. question for cause.

    ANSWER: c
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

18. Rebuttal evidence or arguments by a party are designed to:
    a. support that party's evidence or arguments.
    b. support the opposing party's evidence or arguments.
    c. cast doubt on that party's evidence or witnesses.
    d. cast doubt on the opposing party's evidence or witnesses.

    ANSWER: d
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

19. With regard to closing arguments in most states, the
    a. defense goes first, then the prosecution.
    b. prosecution goes first, then the defense.
    c. defense goes first, then the prosecution, and then finally, the defense again.
    d. prosecution goes first, then the defense, and then finally, the prosecution again.

    ANSWER: d
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

20. A plea of _____ has the same effect as a plea of guilty, except that it cannot be used against the defendant in a subsequent civil action involving the same event.
    a. nolo contendere
    b. not guilty be reason of insanity
    c. nolle prosequi
    d. prior jeopardy

    ANSWER: a
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.09
    KEYWORDS: Bloom's: Remember

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21. Which of the following is NOT included in jury instructions?
    a. The elements of the particular offense
    b. The requirement that each element be proved beyond a reasonable doubt
    c. The requirement that the defendant's guilt be proved beyond a reasonable doubt
    d. The requirement that a jury must reach a guilty or innocent verdict.

    ANSWER: d
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

22. The written accusation prepared by a prosecutor is called a/an:
    a. capias.
    b. indictment.
    c. bill of attainder.
    d. information.

    ANSWER: d
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

23. Criminal procedure is basically similar from one jurisdiction to another, because it is mostly a product of
    a. decisions of the U.S. Supreme Court.
    b. statutes adopted by the U.S. Congress.
    c. administrative rules of the federal court system.
    d. state constitutions are so similar.

    ANSWER: a
    REFERENCES: Procedural Differences In Jurisdictions
    LEARNING OBJECTIVES: CPLP.DELC.17.02.06
    KEYWORDS: Bloom's: Remember

24. Which of the following is NOT true regarding a motion for a mistrial?
    a. It is only filed by the defense.
    b. It usually alleges violations of the defendant's rights before or during the trial.
    c. It is usually filed during the trial.
    d. It is filed before defendant starts serving the sentence.

    ANSWER: b
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

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25. Most of the criminal procedure law in the U.S. Constitution is found in:
    a. the common law.
    b. Article III.
    c. the Bill of Rights.
    d. Article VI.

    ANSWER: c
    REFERENCES: Procedural Differences In Jurisdictions
    LEARNING OBJECTIVES: CPLP.DELC.17.02.06
    KEYWORDS: Bloom's: Remember

26. The panel of potential jurors is reduced to the required number for a trial by the use of:
    a. additions and substitution.
    b. cause and peremptory challenges.
    c. venire and panel challenges.
    d. inclusion and exclusion challenges.

    ANSWER: b
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.07
    KEYWORDS: Bloom's: Remember

27. A venire is a/an:
    a. assembled group of perspective jurors.
    b. group of empanelled jurors.
    c. procedure by which potential jurors are questioned.
    d. group of twelve persons selected to hear a case.

    ANSWER: a
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.07
    KEYWORDS: Bloom's: Remember

28. A complaint is a charge made before a proper law enforcement or judicial officer alleging:
    a. the defendant is guilty.
    b. the defendant is innocent.
    c. a false accusation has occurred.
    d. a crime has been committed.

    ANSWER: d
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

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29. The writ by which convicts challenge their convictions after exhausting all their appeals is:
    a. mandamus.
    b. habeas corpus.
    c. quo warranto.
    d. execution.

    ANSWER: b
    REFERENCES: The Procedure After Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.05
    KEYWORDS: Bloom's: Remember

30. Which of the following is not a possible jury verdict?
    a. Guilty
    b. Hung jury
    c. Guilty but mentally ill
    d. Not guilty because insane

    ANSWER: b
    REFERENCES: The Procedure After Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.08
    KEYWORDS: Bloom's: Remember

31. The number of arrests made without a warrant is:
    a. 100 percent.
    b. greater than 90 percent.
    c. less than 90 percent.
    d. 50 percent.

    ANSWER: b
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

32. Preliminary hearings are usually held for three main purposes. Which of the following is NOT one of those purposes?
    a. Determination of probable cause
    b. The discovery process regarding the prosecutions' evidence
    c. Determination of bail
    d. Decision on "binding over"

    ANSWER: c
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

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33. Of the three general pleas in modern criminal justice practice, which plea specifically protects a defendant in a civil trial?
    a. Innocent
    b. Guilty
    c. Not guilty
    d. Nolo contendere

    ANSWER: d
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.09
    KEYWORDS: Bloom's: Remember

34. Which of the following cases is concerned with plea bargaining?
    a. *United States v. Ruiz* (2002)
    b. *Santobello v. New York* (1971)
    c. Neither of these cases is concerned with plea bargaining.
    d. Both of these cases are concerned with plea bargaining.

    ANSWER: d
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.09
    KEYWORDS: Bloom's: Remember

35. A group of prospective jurors in known as a/an:
    a. voir dire.
    b. venire.
    c. complaint.
    d. flock.

    ANSWER: b
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.07
    KEYWORDS: Bloom's: Remember

36. The dismissal of a juror based on reasons specified by the law is known as:
    a. peremptory challenge.
    b. reasonable challenge.
    c. challenge for reason.
    d. challenge for cause.

    ANSWER: d
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.07
    KEYWORDS: Bloom's: Remember

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37. The first examination of a witness is:
    a. cross-examination.
    b. direct examination.
    c. re-cross examination.
    d. re-direct examination.

    ANSWER: b
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

38. Evidence which tends to establish innocence is known as:
    a. incriminatory evidence.
    b. discriminatory evidence.
    c. exculpatory evidence.
    d. None of the answers are correct.

    ANSWER: c
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

39. A trial that is declared invalid before it is completed is known as a:
    a. mistrial.
    b. hung trial.
    c. hung jury.
    d. either a mistrial or hung trial.

    ANSWER: a
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

40. In most criminal cases, the parties—especially defense counsel—will ask the court that certain instructions be used. Which of the following options are available to the court with regard to these instructions?
    a. Refuse to give the instructions
    b. Modify the instructions
    c. Give the instructions
    d. All of the answers are correct.

    ANSWER: d
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.07
    KEYWORDS: Bloom's: Remember

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Henry has been arrested for stealing a car belonging to the local highway department. He was found by the side of a local highway with a flat tire, trying to change the tire on the highway department car. He has been taken to the local police station, where he is waiting in the interrogation room for detectives to talk to him.

41. What changes to the *Miranda* requirements can the state constitution make?
    a. Not require the *Miranda* warning
    b. Allow the police to deny Henry access to his attorney
    c. Require that any oral confession also be in writing
    d. None of the answers are correct.

    ANSWER: c
    REFERENCES: Procedural Differences In Jurisdictions
    LEARNING OBJECTIVES: CPLP.DELC.17.02.06
    KEYWORDS: Bloom's: Apply

42. The officer that arrested Henry on the highway did not read him his rights under the *Miranda* decision, and did not question him.
    a. The arrest is invalid, because the reading of *Miranda* is required immediately after all arrests.
    b. Any confession given to the detectives must now be in writing.
    c. Any confession given to the detectives must now be videotaped.
    d. If the detectives give the *Miranda* warning, and Henry says he understands his rights, any confession is lawfully obtained.

    ANSWER: d
    REFERENCES: Procedural Differences In Jurisdictions
    LEARNING OBJECTIVES: CPLP.DELC.17.02.06
    KEYWORDS: Bloom's: Apply

43. If state law in the neighboring state requires that the interrogation be videotaped, what impact does that law have on this interrogation?
    a. Requires the interrogation be videotaped
    b. Requires any confession be in writing
    c. Has no impact
    d. Totally controls this interrogation

    ANSWER: c
    REFERENCES: Procedural Differences In Jurisdictions
    LEARNING OBJECTIVES: CPLP.DELC.17.02.06
    KEYWORDS: Bloom's: Apply

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Toby has been arrested for robbery of a local convenience store, by an officer that pulled up in her patrol car, observed Toby run out of the store carrying a gun and a sack of something that jiggled. She drew her weapon, and yelled at him to stop. He stopped and dropped the weapon. She handcuffed Toby, talked to the store clerk, and called the sergeant on her radio. She then took him to the local police station. After preparing her written report, she drove to the county seat, talked to the prosecutor, and then appeared before the magistrate judge to obtain an arrest warrant.

44. What are the three time frames or stages of criminal procedure in this case?
    a. Before trial, during trial, after trial
    b. Before arrest, booking, interrogation
    c. Before booking, during booking, arraignment
    d. Jury selection, presentation of evidence, sentencing

    ANSWER: a
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Apply

45. What is the next step involving the magistrate in this case?
    a. Grand jury
    b. Initial appearance
    c. Discovery
    d. Motion for change of venue

    ANSWER: b
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Apply

46. What would be the purpose of a preliminary hearing in this case?
    a. Determine bail
    b. Determine admissibility of confession
    c. Accept plea of guilty
    d. Determination of probable cause

    ANSWER: d
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Apply

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Sheila has been found guilty by a jury of the state crime of embezzlement for embezzling $20,000 from her employer–ABC Hardware. The judge has set a date one month in the future for sentencing. She has no prior criminal record, other than minor speeding and parking tickets. She was employed (prior to her arrest) full-time for ABC Hardware, and had worked there for ten years, the last two as the bookkeeper. She is married and has two children, one of whom was seriously injured in an accident while riding his bicycle. She and her husband have no health insurance. According to state law, the judge can sentence a defendant up to ten years (among others) in the department of corrections for this crime.

47. Which of the following is a possible sentence for the judge to impose?
    a. Ten years in the department of corrections
    b. Probation
    c. Five years in the department of corrections
    d. All of the answers are correct.

    ANSWER: d
    REFERENCES: The Procedure After Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.04
    KEYWORDS: Bloom's: Apply

48. If the state has a fixed sentencing structure of ten years for this crime, what may the judge do?
    a. Impose a sentence of thirty days, because she is a young mother
    b. Impose a sentence of ten years
    c. Impose a sentence of two years
    d. None of the answers are correct.

    ANSWER: b
    REFERENCES: The Procedure After Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.04
    KEYWORDS: Bloom's: Apply

49. During the month awaiting sentence, what may happen?
    a. A presentence investigation may be conducted
    b. A hearing on a motion for new trial
    c. A hearing on a motion for directed verdict
    d. All of the answers are correct.

    ANSWER: d
    REFERENCES: The Procedure After Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.04
    KEYWORDS: Bloom's: Apply

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50. Once the judge sentences her, Sheila appeals. She loses her direct appeals. What process may Sheila use to challenge the legality of her confinement?
    a. Habeas corpus
    b. Quo warranto
    c. Writ of prohibition
    d. Injunction

ANSWER: a
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.05
KEYWORDS: Bloom's: Apply

51. In most states, a person who has been arrested, with or without a warrant, is required by law to be brought before a magistrate without _____ delay.

ANSWER: unnecessary
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

52. Denying bail or pretrial release to a defendant because they are dangerous is called _____ detention.

ANSWER: preventive
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

53. In addition to the Bill of Rights, there are other sources of rights for the defendant, including state constitutions and federal and state _____.

ANSWER: laws
REFERENCES: Procedural Differences In Jurisdictions
LEARNING OBJECTIVES: CPLP.DELC.17.02.06
KEYWORDS: Bloom's: Remember

54. A writ directed to a peace officer requiring that officer to notify a person that they are required to appear in court and answer a charge is called a _____.

ANSWER: summons
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

55. The _____ warnings do not have to be given by the officer after an arrest unless the arrested person is interrogated and in custody.

ANSWER: *Miranda*
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

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56. A crime punishable by death or imprisonment of more than one year is called a _____.

ANSWER: felony
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

57. The process in which prospective jurors are questioned by the judge and/or lawyers to determine whether or not there are grounds for challenge is called _____.

ANSWER: voir dire
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.07
KEYWORDS: Bloom's: Remember

58. Release on recognizance means that an accused has been released without _____ bail.

ANSWER: monetary
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

59. The prosecution in a criminal case is required to prove the defendant's guilt beyond a _____ doubt.

ANSWER: reasonable
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.08
KEYWORDS: Bloom's: Remember

60. If the magistrate does not find probable cause at the preliminary hearing/examining trial, the judge will order the _____ of the defendant.

ANSWER: discharge
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

61. An _____ plea is a guilty plea where the defendant still maintains innocence.

ANSWER: *Alford*
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.03
KEYWORDS: Bloom's: Remember

62. A plea of nolo contendere literally means no _____.

ANSWER: contest
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.03
KEYWORDS: Bloom's: Remember

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63. A jury which cannot decide on a verdict is called a _____ jury.

ANSWER: hung
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.08
KEYWORDS: Bloom's: Remember

64. The practice of keeping a jury together and in isolation during a trial is called _____.

ANSWER: sequestration
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.07
KEYWORDS: Bloom's: Remember

65. The _____ is the judge or jury's pronouncement of guilty or not guilty.

ANSWER: verdict
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.08
KEYWORDS: Bloom's: Remember

66. A _____ is a charge made before a magistrate or judge alleging the commission of a criminal offense.

ANSWER: complaint
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.10
KEYWORDS: Bloom's: Remember

67. A/an _____ is the taking of a person into custody for the purpose of criminal prosecution or interrogation.

ANSWER: arrest
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

68. Both citations and summonses have the advantage of keeping a person out of _____ pending the hearing.

ANSWER: jail
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

69. _____ consists of making an entry in the police blotter or arrest book indicating the suspect's name, the time of arrest, and the offense involved.

ANSWER: Booking
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

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70. _____ is defined as the security required by the court and given by the accused to ensure that the accused appears before the proper court at a scheduled time and place to answer the charges brought against him or her.

ANSWER: Bail
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

71. _____ is the formal pronouncement of judgment by the court or judge on the defendant after conviction in a criminal prosecution, imposing the punishment to be inflicted.

ANSWER: Sentencing
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.04
KEYWORDS: Bloom's: Remember

72. In addition to the Bill of Rights, there are other sources of rights for defendants, including state _____.

ANSWER: constitutions, statutes, or laws
REFERENCES: Procedural Differences In Jurisdictions
LEARNING OBJECTIVES: CPLP.DELC.17.02.06
KEYWORDS: Bloom's: Remember

73. The _____ guarantees minimum rights that cannot be diminished by state law.

ANSWER: Bill of Rights
REFERENCES: Procedural Differences In Jurisdictions
LEARNING OBJECTIVES: CPLP.DELC.17.02.06
KEYWORDS: Bloom's: Remember

74. Criminal procedure before trial begins with the filing of a _____.

ANSWER: complaint
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

75. _____ is a Latin term that literally means you should have the body.

ANSWER: Habeas corpus
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.05
KEYWORDS: Bloom's: Remember

76. A _____ procedure is when the guilt-innocence stage and sentencing stage are separate

ANSWER: bifurcated

REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.04
KEYWORDS: Bloom's: Remember

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77. Criminal procedure is mostly a product of _____ decisions.

ANSWER: U.S. Supreme Court
REFERENCES: Procedural Differences In Jurisdictions
LEARNING OBJECTIVES: CPLP.DELC.17.02.06
KEYWORDS: Bloom's: Remember

78. _____ is a procedure used by either party in a case to obtain information in the hands of the other party.

ANSWER: Discovery
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

79. There are three purposes for a preliminary hearing: determination of probable cause, _____, and decision on binding over.

ANSWER: discovery
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.05
KEYWORDS: Bloom's: Remember

80. Habeas corpus is often called the Great Writ of _____.

ANSWER: Liberty
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.05
KEYWORDS: Bloom's: Remember

81. A peremptory challenge requires justification.
a. True
b. False

ANSWER: False
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.07
KEYWORDS: Bloom's: Remember

82. The Sixth Amendment requires unanimous jury verdicts in state criminal cases.
a. True
b. False

ANSWER: False
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.07
KEYWORDS: Bloom's: Remember

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83. A guilty plea may be withdrawn if the prosecution fails to keep part of the plea bargain.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

84. In most states, the only available pleas to a criminal charge are guilty or not guilty.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

85. When a defendant pleads nolo contendere he/she is admitting guilt.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

86. Only a grand jury can issue an indictment.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

87. A bench warrant is a process issued by the police.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

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88. The venire is the name for a group of prospective jurors.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.07
    KEYWORDS: Bloom's: Remember

89. The U.S. Supreme Court has held that five-person juries are constitutional in criminal cases.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.07
    KEYWORDS: Bloom's: Remember

90. A plea bargain is the popular name given to the process in which a defendant agrees to plead guilty to an offense in exchange for a lower charge, fewer counts, a lower sentence, or other considerations.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.09
    KEYWORDS: Bloom's: Remember

91. An attorney attempting to use a challenge for cause to dismiss a potential juror must provide the court with an adequate reason.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.07
    KEYWORDS: Bloom's: Remember

92. A jury verdict of acquittal terminates the case immediately and the defendant is set free.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.08
    KEYWORDS: Bloom's: Remember

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93. If there is a conflict between state or federal law and the U.S. Constitution, the Constitution prevails.
    a. True
    b. False

    ANSWER: True
    REFERENCES: Procedural Differences In Jurisdictions
    LEARNING OBJECTIVES: CPLP.DELC.17.02.06
    KEYWORDS: Bloom's: Remember

94. Under the Fifth Amendment, a defendant is entitled to an attorney during plea bargaining.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

95. Most cases that reach court are resolved by a jury trial.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

96. A plea bargain may allow a defendant to avoid publicity.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.09
    KEYWORDS: Bloom's: Remember

97. When bail is posted the person is kept under detention until such time as he or she can be brought before a magistrate.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

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98. A preliminary examination is not required when an indictment has been handed down prior to the preliminary hearing.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

99. If the magistrate does not find probable cause, the defendant is charged.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure During Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.03
    KEYWORDS: Bloom's: Remember

100. A grand jury hearing is required in all federal felony prosecutions.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

101. Sentencing is the decision by the jury after deliberation in a criminal case.
    a. True
    b. False

    ANSWER: False
    REFERENCES: The Procedure After Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.04
    KEYWORDS: Bloom's: Remember

102. State law may exclude oral confessions unless they are also in writing or supported by other evidence.
    a. True
    b. False

    ANSWER: True
    REFERENCES: Procedural Differences In Jurisdictions
    LEARNING OBJECTIVES: CPLP.DELC.17.02.06
    KEYWORDS: Bloom's: Remember

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103. Habeas corpus is a writ directed to any person detaining another.
    a. True
    b. False

ANSWER: True
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.05
KEYWORDS: Bloom's: Remember

104. Criminal procedure before trial begins with the filing of pretrial motions.
    a. True
    b. False

ANSWER: False
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

105. In a bifurcated procedure, the guilt-innocence and sentencing are determined at the same time.
    a. True
    b. False

ANSWER: False
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.04
KEYWORDS: Bloom's: Remember

106. In addition to the Bill of Rights, there are other sources of rights for the defendant, including state constitutions.
    a. True
    b. False

ANSWER: True
REFERENCES: Procedural Differences In Jurisdictions
LEARNING OBJECTIVES: CPLP.DELC.17.02.06
KEYWORDS: Bloom's: Remember

107. After the arrest of a suspect by police, the next stage in criminal procedure is booking.
    a. True
    b. False

ANSWER: True
REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Remember

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108. Most states give the sentencing power in criminal cases to the judge.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure After Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.04
    KEYWORDS: Bloom's: Remember

109. Release on Recognizance (ROR) means without monetary bail.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Remember

110. An appeals court may affirm, reverse, or reverse and remand the decision of a lower court.
    a. True
    b. False

    ANSWER: True
    REFERENCES: The Procedure After Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.04
    KEYWORDS: Bloom's: Remember

111. Discuss the three main purposes for which preliminary hearings are usually held. Which is the primary purpose? What does it accomplish?

    ANSWER: The three main purposes for which preliminary hearings are usually held are: determination of probable cause, discovery, and decision on binding over. Determination of probable cause is the primary purpose. It keeps unsupported charges of grave offenses from coming to trial and thereby protects people from harassment, needless expenditure, and damage to their reputations.
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Understand

112. Define, compare, and contrast petit juries with grand juries.

    ANSWER: Petit (or trial) juries are for the purpose of determining guilt or innocence, and in some states determine punishment. Grand juries are for the purpose of returning indictments or conducting investigations of reported criminality. They differ in size and in how members are selected. Petit juries are created for one case, where grand juries may serve for a month or longer.
    REFERENCES: The Procedure Before Trial
    LEARNING OBJECTIVES: CPLP.DELC.17.02.01
    KEYWORDS: Bloom's: Understand

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113. Define, compare, and contrast the two types of challenges to prospective jury members.

ANSWER: The two types of challenges to prospective jury members are challenges for cause and peremptory challenges. Challenges for cause are to dismiss potential jurors based on causes specified by law. Peremptory challenges are to dismiss potential jurors for reasons that need not be stated. Causes vary from state to state, but are specified by statute and are unlimited in number. Peremptory challenges vary in number allowed.

REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.07
KEYWORDS: Bloom's: Understand

114. Discuss the differences between an indictment and an information. What are the merits and downfalls of each? Which would you prefer if being charged in a criminal case? Why?

ANSWER: An indictment is a written accusation of a crime filed by the grand jury. An information is a criminal charge filed by the prosecutor without the intervention of a grand jury. A grand jury is intended to serve as a buffer or referee between the government and the people who are charged with crimes. A grand jury meets in secret and the defendant has no right to present evidence. Most states provide that a prosecution by information may be commenced only after a preliminary examination and commitment by a magistrate. I would prefer the information, as I could have an attorney represent me and present evidence at a preliminary hearing.

REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.01
KEYWORDS: Bloom's: Understand

115. Identify the five legal issues in plea bargaining enumerated in the text and provide an explanation for each issue.

ANSWER: Answers may vary.
The five legal issues in plea bargaining are:
(1) Should a prosecutor's promise to a defendant to induce a guilty plea be kept?
(2) Is the defendant entitled to a lawyer during the plea bargaining process?
(3) How much evidence should the prosecutors disclose in plea bargaining?
(4) What constitutes an involuntary plea?
(5) Should plea bargaining be prohibited by law?

REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.09
KEYWORDS: Bloom's: Understand

116. Explain what an *Alford* plea is and why it is important.

ANSWER: An *Alford* plea is a plea in which the defendant claims innocence yet pleads guilty for other reasons. It is important because it allows a defendant to plead guilty knowing that if credited with the time he has already served in jail, he will immediately be set free.

REFERENCES: The Procedure Before Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.09
KEYWORDS: Bloom's: Understand

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117. Jury nullification occurs when a jury acquits the defendant or convicts the defendant of a lesser offense despite the evidence presented; in essence, the evidence and the verdict point in opposite directions. The Court held in *United States v. Powell* (469 U.S. 57 [1984]) that juries have the power to engage in jury nullification. Do you agree? Why or why not?

ANSWER: Answers will vary.
REFERENCES: The Procedure During Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.07
KEYWORDS: Bloom's: Understand

118. What various forms can sentences take? Give an example of two of these forms that are not mutually exclusive.

ANSWER: Sentences can take the form of a fine, community-based sanctions, probation, jail time (usually for misdemeanors), prison time (usually for felonies), and death. An example of two of these forms that are not mutually exclusive is when an offender is given jail and later released on probation.
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.04
KEYWORDS: Bloom's: Understand

119. What three things may an appeals court do to a lower court decision? What does each mean?

ANSWER: An appeals court may affirm, reverse, or reverse and remand the decision of a lower court. When an appeals court affirms means that the decision of the lower court where the case came from is upheld. When an appeals court reverses means the decision of the lower court where the case came from is overthrown, vacated, or set aside. When an appeals court reverses and remands, it is less final than a reversal, and the lower court has the opportunity to hear further arguments and give another decision in the case.
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.04
KEYWORDS: Bloom's: Understand

120. What is habeas corpus and to whom is it usually directed?

ANSWER: Habeas corpus is a writ directed to a person detaining another commanding that person to produce the body of a person who is imprisoned or detained in court and explain why detention should be continued. It is directed to a sheriff or prison warden.
REFERENCES: The Procedure After Trial
LEARNING OBJECTIVES: CPLP.DELC.17.02.05
KEYWORDS: Bloom's: Understand

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