Understanding Criminal Evidence 1st edition Newton Test Bank

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TEST BANK

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CHAPTER 1
Why and How We Have The Rules of Evidence

TRUE/FALSE:

1. A gun, knife, blood, and drugs are all examples of documentary evidence. True or False_____.
   Ans. False
2. Direct Evidence is based upon personal knowledge or observation and it proves a fact without any need for an inference. True or False_____.
   Ans. True
3. The Federal Rules of Evidence were written as a means to ensure that jurors were not arbitrarily or improperly deciding the guilt or innocence of defendants based upon mere emotions. True or False_____.
   Ans. True
4. In Ancient Greece, a jury made up of numerous male and female citizens determined the guilt or innocence of an accused. True or False_____.
   Ans. False
5. The Magna Charter granted an accused in England the right to a jury of his or her peers. True or False_____.
   Ans. True
6. The Bill of Rights contained in the U.S. Constitution grants all defendants in a criminal matter the right to a speedy and public trial. True or False_____.
   Ans. True
7. In the United States, an accused starts out with the presumption of guilt and it is his or her burden to prove innocence. True or False _____.
   Ans. False
8. The process of Stare Decisis is commonly used in the Civil law System. True or False _____.
   Ans. False
9. The Communist Legal System as it exists in China is praised for respecting the basic human rights of all defendants. True or False _____.
   Ans. False
10. The Islamic Legal System or Sharia law is based upon the religious interpretation of the Qur'an. True or False_____.
    Ans. True.

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MULTIPLE CHOICE:

1. An X-Ray is an example of:
    a. witness testimony
    b. real or physical evidence
    c. documentary evidence
    d. demonstrative evidence
    e. none of the above
    Ans. C
2. A model of a crime scene used at a trial is an example of:
    a. witness testimony
    b. real or physical evidence
    c. documentary evidence
    d. demonstrative evidence
    e. none of the above
    Ans. D
3. Johnny observing Billy steal a television from the store is an example of:
    a. direct evidence
    b. circumstantial evidence
    c. neither a. nor b. above
    d. both a. and b. above
    Ans. A
4. Evidence that Bobby wears the same size of shoe as the footprint found at the murder scene is an example of:
    a. direct evidence
    b. circumstantial evidence
    c. neither a. nor b. above
    d. both a. and b. above
    Ans. B
5. The reasons that the Federal Rules of Evidence exist are:
    a. to ensure that jurors do not decide cases arbitrarily or improperly on mere emotion.
    b. to ensure that the playing field is level for both the prosecution and defense.
    c. to foster society's values.
    d. none of the above.
    e. all of the above
    Ans. E

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6. The Chinese Legal System that existed around 2500 B.C. was influenced by the ideas of:
    a. Communism
    b. The Magna Charter
    c. Confucius
    d. none of the above.
    e. all of the above

    Ans. C
7. The United States Constitution guarantees an accused:
    a. The Presumption of Innocence
    b. The Right to a Speedy Trial
    c. The Right to an Impartial Jury
    d. The Right to a Public Trial
    e. none of the above.
    f. all of the above

    Ans. F
8. The Civil Law Legal System is found in:
    a. The United States
    b. France
    c. Saudi Arabia
    d. Canada
    e. None of the above.
    f. All of the above

    Ans. B
9. The Common Law Legal System is found in:
    a. The United States
    b. Canada
    c. England
    d. None of the above.
    e. All of the above

    Ans. E
10. The United States subscribes to which legal system
    a. The Common Law System
    b. The Civil Law System
    c. The Communist Legal System
    d. Islamic or Sharia law
    e. none of the above.

    Ans. A

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FILL IN THE BLANK:

1. Letters, CDs, text messages, and photos are all types of _____ evidence.
   Ans. Documentary
2. _____is evidence that requires the jury to infer one fact from the existence of another fact.
   Ans. Circumstantial Evidence
3. A _____is a method of determining guilt or innocence by means of subjecting the accused to various forms of torture and pain.
   Ans. Trial by Ordeal
4. According to the _____, the King of England could no longer imprison his subjects at whim.
   Ans. Magna Charter
5. A _____ means "that you have the body" and it requires a jailor to produce the body of a prisoner at court.
   Ans. Writ of Habeas Corpus
6. The _____ prohibits the United States Government from charging a person again after that person has been found not guilty.
   Ans. The Fifth Amendment Protection Against Double Jeopardy
7. The _____ means that a person cannot be forced to be a witness against himself at trial.
   Ans. The Fifth Amendment's Protection Against Self-Incrimination
8. Some of the countries that implement the Common Law System are:_____.
   Ans. The United States, England, and Canada,
9. _____ are countries that implement the Civil law System.
   Ans. France and Italy
10. Islamic or Sharia Law is based upon the religious interpretation of _____.
    Ans. The Qur'an

SHORT ESSAY:

1. Describe the four common types of evidence that are used in jury trials.
2. What is the difference between direct evidence and circumstantial evidence?
3. Why do we have the Rules of Evidence?
4. What are some of the Fundamental Rights found in the Bill of Rights?
5. Describe the Common Law System, The Civil Law System, The Communist Legal System, and Islamic or Sharia Law.

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CHAPTER 2
The Stages of a Criminal Case and How to Read the Legal Documents Associated With a Criminal Case

TRUE/FALSE:

1. The role of the grand jury is to determine whether sufficient evidence exists to initiate charges against a defendant. True or False_____.
   Ans. True
2. When determining the proper amount of bail to set, judges generally look at the severity of the charge, the criminal background of the defendant, the risk that the defendant might flee from the jurisdiction if released, and whether the defendant is a danger to the community. True or False_____.
   Ans. True
3. Everyone praises the plea bargaining process for being a perfect means of resolving cases efficiently and effectively. True or False_____.
   Ans. False
4. When entering a conditional guilty plea, a defendant is saying that he will plead guilty on the condition that the judge gives him or her a favorable sentence. True or False_____.
   Ans. False
5. In a directed verdict motion, the defense attorney argues to the judge that the prosecution failed to prove one or more of the elements of the criminal offense, thus the case should be dismissed without defense counsel needing to put on any evidence of the defendant's innocence. True or False _____.
   Ans. True
6. The process of jury nullification allows the jury to acquit the defendant even though an adherence to the judge's instructions and an examination of the evidence presented at trial indicate that the defendant is guilty. True or False _____.
   Ans. True
7. Most defendants are successful on appeal. That is, appellate courts overturn a majority of guilty verdicts when defendants appeal their cases. True or False _____.
   Ans. False
8. The U.S. Supreme Court must hear all cases that are appealed to it. True or False_____.
   Ans. False
9. When cases go to appellate courts, they are re-tried and start over as if the prior trial never occurred. True or False_____.
   Ans. False

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10. The prior cases that a court can rely on in making its decisions are called precedent. True or False_____.

    Ans. True

MULTIPLE CHOICE:

1. Criminal charges are initiated against a defendant by means of:
    a. A grand jury indictment
    b. An Information filed by the prosecution
    c. Either a. or b.
    d. Neither a. nor b.

    Ans. C
2. _____ is evidence that proves or suggests the defendant's guilt.
    a. Inculpatory evidence
    b. Exculpatory Evidence
    c. Documentary Evidence
    d. Demonstrative Evidence
    e. None of the above

    Ans. A
3. The discovery is a term used by some jurisdictions to describe the paper work and evidence that is compiled by both the prosecution and defense in a criminal matter, and it includes_____:
    a. Police Reports, Line-ups, photo-arrays, and show-ups
    b. Witness Statements and a list of physical evidence that has been booked.
    c. Medical Reports
    d. Photos, Videos, and Audio Recordings
    e. All of the above

    Ans. E
4. Under a(n)_____plea, the defendant maintains innocence but admits that the prosecution has sufficient evidence that would likely convince a judge or jury that the defendant is guilty beyond all reasonable doubt.
    a. No Contest
    b. Insanity
    c. Conditional Guilty
    d. Alford

    Ans. D

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5. Peremptory challenges may be used to strike members of the venire from jury service for any reason except:
    a. The race of the potential juror.
    b. The race or gender of the potential juror
    c. The race, gender, sexuality, or religion of the potential juror.
    d. There are no restrictions on the use of peremptory challenges
    Ans. B
6. *United States v. Sliker*, 751 F.2d 477 (**2d Cir.** 1984). The highlighted section of this case cite example shows:
    a. The date the case was decided
    b. The parties involved in the case
    c. The court who decided this case
    d. Info about the reporter where this case is found
    e. None of the above
    Ans. C
7. *United States v. Sliker*, **751 F.2d 477** (2d Cir.1984). The highlighted section of this case cite example shows:
    a. The date the case was decided
    b. The parties involved in the case
    c. The court who decided this case
    d. Info about the reporter where this case is found
    e. None of the above
    Ans. D
8. A _____opinion exists where the majority of the judges agree with the result of the case but differ in their reasons for supporting the result.
    a. Plurality
    b. Majority
    c. Concurring
    d. Dissenting
    e. None of the above
    Ans. A

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9. According to a rule known as the _____, a total of four out of the nine U.S. Supreme Court justices must agree to hear a case where a petitioner has requested the U.S. Supreme Court to hear their matter.
    a. Writ of Certiorai
    b. Rule of Four
    c. En banc
    d. Stare Decisis
    e. None of the above

    Ans. B
10. A court finding of _____ means that the court disagreed with the previous court's decision and set aside that court's findings.
    a. Affirmed
    b. Reversed
    c. Vacated and Remanded
    d. Disagreement
    e. None of the above.

    Ans. B

FILL IN THE BLANK:

1. An _____ is the legal document that is filed by the government that initiates criminal charges against an accused.

    Ans. Information
2. _____means having the power or authority over a defendant to decide his or her case.

    Ans. Jurisdiction
3. _____describes the place or location where a case is heard.

    Ans. Venue
4. A _____ acts as a surety to the court that the defendant will appear for all of his or her court appearances.

    Ans. Bondsman
5. _____ is evidence that is favorable to the defendant and suggests the innocence of the defendant.

    Ans. Exculpatory Evidence
6. _____ is a demand for the production of evidence at a court hearing.

    Ans. A subpoena duces tecum
7. The _____ is a group of people from which a jury will be chosen.

    Ans. Venire

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8. Under a _____, the United States Supreme Court orders a lower court to send up a case for review.

   Ans. Writ of Certiorai

9. The term _____ refers to the situation where all judges of a court will hear a case rather than just a panel made up a few judges of the court.

   Ans. En banc

10. When judges draw on case precedent to decide cases they are employing a doctrine called _____.

    Ans. Stare Decisis

SHORT ESSAY:

1. Describe the various documents that are found in the discovery of a case.
2. Describe the various stages that take place in a jury trial for a criminal matter.
3. What happened (what were the facts of the case) according to the prosecutor in *People v. Johnson*?
4. Dissect the components of the following case citation: *Roe v. Wade*, 410 U.S. 113 (1973).
5. Brief *Gideon v. Wainwright*, 372 U.S. 335 (1963).

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CHAPTER 3
Burden of Proof and Alternatives to Formal Proof: Judicial Notice, Presumptions, Inferences, and Stipulations

TRUE/FALSE:

1. Prosecutors are required to prove that the defendant is guilty beyond all doubt. True or False_____.
   Ans. False
2. Alternatives to formal proof are mechanisms that allow a judge or the parties to bring in evidence without requiring a witness to formally take the stand. True or False_____.
   Ans. True
3. Entrapment is an affirmative defense that claims that a police officer forced or set up the defendant to commit the crime. True or False_____.
   Ans. True
4. If a party asks the judge to take judicial notice of a matter, and the party meets the requirements necessary for judicial notice, the judge does not have to take judicial notice of the matter unless he or she wants to. True or False_____.
   Ans. False
5. A judge must never take judicial notice on his or her own when a party has not requested so. True or False_____.
   Ans. False
6. A judge cannot take judicial notice based only on his own personal observations unless the matter is one that is generally known within the jurisdiction of the trial court or one capable of accurate determination through a reliable source. True or False_____.
   Ans. True
7. A presumption allows the judge to tell the jury that they "may" find that one fact is true if the prosecution has proven the existence of another fact. True or False _____.
   Ans. True
8. All persons are presumed to know the laws of their jurisdiction. True or False _____.
   Ans. True
9. The members of a jury must follow all presumptions, stipulations, and matters of judicial notice that the judge informs them about. True or False _____,
   Ans. False

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10. Parties cannot force the other side to stipulate even if they both agree to certain facts. True or False.
    Ans. True.

MULTIPLE CHOICE:

1. The burden of proof known as _____ means "more likely than not" and it has also been called "the greater weight of the evidence":
    a. beyond all reasonable doubt
    b. probable cause
    c. preponderance of the evidence
    d. clear and convincing
    e. reasonable suspicion
    Ans. C
2. The burden of proof that requires a jury to have a "firm belief or conviction" that there is a "high probability" that their decision is correct is _____:
    a. beyond all reasonable doubt
    b. probable cause
    c. preponderance of the evidence
    d. clear and convincing
    e. reasonable suspicion
    Ans. D
3. In a criminal case, the prosecutor must prove defendant guilty of each element contained in the charges, and this burden of proof is_____:
    a. beyond all reasonable doubt
    b. probable cause
    c. preponderance of the evidence
    d. reasonable suspicion
    e. none of the above.
    Ans. A
4. If the defendant raises an affirmative defense in a criminal matter, the burden of proof that applies is_____:
    a. clear and convincing evidence
    b. beyond all reasonable
    c. the defendant never bears the burden in a criminal matter
    d. preponderance of the evidence
    Ans. D
5. Examples of affirmative defenses are:
    a. Self defense and necessity
    b. Necessity and duress
    c. Duress and entrapment

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d. None of the above.
e. All of the above
Ans. E

6. Judicial Notice requires:
    a. The matter must be generally known within the jurisdiction of the trial court.
    b. The matter must be capable of accurate determination through a reliable source
    c. The judge must have personal knowledge that the matter is true based upon his or her personal observations and experiences.
    d. Either a. or b. above
    e. Either a. b. or c. above
    Ans. D
7. Matters of General knowledge include:
    a. Well known streets or buildings
    b. Historical figures or events
    c. Famous movie actors and actresses
    d. None of the above
    e. All of the above
    Ans. E
8. The following would NOT be a matter capable of accurate determination for purposes meeting the judicial notice requirement:
    a. The number of ounces in a cup
    b. The number of miles that the U.S. President ran last Sunday
    c. The address of the White House
    d. The distance between Los Angeles, Ca. and Denver, Colorado.
    e. The number of U.S. states that begin with the letter "N"
    Ans. B
9. The following is NOT a rebuttable presumption:
    a. If a person run from a crime scene, that person has a "consciousness of guilt"
    b. If a person is dead, it was not the result of suicide
    c. Anyone over 65 is incapable of committing a crime
    d. All people are presumed sane unless proven otherwise
    e. Defendants are presumed innocent until proven otherwise
    Ans. C

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