

TEST BANK

Copyrighted Material
TENTH EDITION

JOHN N. FERDICO • HENRY F. FRADELLA • CHRISTOPHER D. TOTTEN



Criminal Procedure

for the Criminal Justice Professional



Chapter 2--Criminal Courts, Pretrial Processes, and Trials

Student: _____

1. A court's authority to hold a trial is
 - A. venire.
 - B. original jurisdiction.
 - C. appellate jurisdiction.
 - D. venue.
2. A court which has only appellate jurisdiction has 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.
3. The structure of the federal court system in ascending order of authority 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.
4. A court which can try all felony cases has
 - A. limited jurisdiction.
 - B. appellate jurisdiction.
 - C. general jurisdiction.
 - D. *certiorari*.
5. When the US Supreme Court grants a writ of *certiorari*, this means that
 - A. the Court is taking original jurisdiction over the case.
 - B. the Court is obligated to review the case.
 - C. the Court is willing to review a case decided by a lower court.
 - D. the Court is willing to retry the case.
6. What stage of the criminal justice system occurs soonest after arrest and booking?
 - A. Trial
 - B. Suppression hearing
 - C. Preliminary hearing
 - D. Initial appearance
7. The purpose of the preliminary hearing is
 - A. to inform the defendant of the charges.
 - B. to accept the defendant's plea.
 - C. to determine the existence of probable cause.
 - D. to bind the defendant over for the grand jury.

8. At the preliminary hearing, if the judge finds probable cause to believe the defendant committed the offense, the defendant is
 - A. jailed awaiting trial.
 - B. provided with an attorney.
 - C. arraigned.
 - D. bound over to the grand jury.
9. Which of the following 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
10. The only document on the following list which is not based on probable cause is
 - A. indictment.
 - B. prosecutor's information.
 - C. a true bill.
 - D. a subpoena.
11. At which proceeding is the defendant's plea requested?
 - A. Indictment
 - B. Preliminary hearing
 - C. Initial appearance
 - D. Arraignment
12. In which proceeding does only the prosecution (not the defense) present evidence?
 - A. Arraignment
 - B. Grand jury
 - C. Preliminary hearing
 - D. Suppression hearing
13. Which type of immunity protects a witness from prosecution for the crime which the witness testifies about?
 - A. Common law
 - B. Transactional
 - C. Use
 - D. Legislative
14. Which proceedings are often combined for misdemeanors in magistrates' courts?
 - A. Indictment and presentment
 - B. Preliminary hearing and presentment
 - C. Initial appearance and arraignment
 - D. Warrant and suppression hearing
15. 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.

16. Which is not an acceptable plea in a criminal case?
- A. Not guilty
 - B. Guilty
 - C. *Nolo contendere*
 - D. Innocent
17. If a defendant stands mute, the judge considers that a plea of
- A. not guilty.
 - B. guilty.
 - C. *nolo contendere*.
 - D. innocent.
18. A defendant has a right to trial by jury under the Sixth Amendment
- A. in all criminal prosecutions.
 - B. in prosecutions for offenses for which an imprisonment penalty is a possibility.
 - C. in all prosecutions for which the possible penalty is 6 months or more imprisonment.
 - D. in all prosecutions including juvenile court proceedings.
19. The process of questioning jurors to determine if they are prejudiced regarding a particular case is called
- A. *voir dire*.
 - B. venire.
 - C. challenge for cause.
 - D. peremptory challenge.
20. If a prospective juror, from watching television news, admits during examination that he has already formed an opinion that the defendant is not guilty, the juror should be
- A. considered fit for service.
 - B. peremptorily challenged.
 - C. challenged for cause.
 - D. polled.
21. The standard for finding a defendant guilty of a crime is
- A. reasonable doubt.
 - B. probable cause.
 - C. beyond a reasonable doubt.
 - D. absolute certainty.
22. The burden of proof in United States courts is always on
- A. the defendant.
 - B. the prosecutor.
 - C. the judge.
 - D. the jury.
23. The possible outcomes of jury deliberation do not include a finding of
- A. innocent.
 - B. guilty.
 - C. unable to agree.
 - D. not guilty.

24. The appellate court may affirm the conviction of a defendant, even if there was trial error. The conviction will be upheld if the court finds that there was error which had little likelihood of changing the result of the trial. This is called the
- A. plain error rule.
 - B. contemporaneous objection rule.
 - C. harmless error rule.
 - D. final judgment rule.
25. The power of a jury to acquit regardless of the strength of the evidence against a defendant is called
- A. *voir dire*.
 - B. probation.
 - C. jury nullification.
 - D. hung jury.
26. Sometimes, because of heavy publicity or intense community feeling, a defendant may wish to have his or her case tried in a different place than the one authorized by statute. A motion to move a trial to a different location is referred to as a(n)
- A. subpoena.
 - B. joinder and severance.
 - C. change of venue.
 - D. waiver of indictment.
27. The prosecutor's reexamination of the prosecution's witness in order to rehabilitate him or her in the eyes of the jury is known as
- A. recross-examination.
 - B. cross-examination.
 - C. redirect examination.
 - D. direct examination.
28. Typically the presentence investigation is prepared by
- A. police officers.
 - B. court officers.
 - C. the defense attorney.
 - D. probation officers.
29. A complaint may be issued on evidence which is inadmissible in court.
- True False
30. The purpose of the initial appearance is to accept the defendant's plea.
- True False
31. A judge may refuse to accept a plea bargain which has been reached between the prosecutor and the defendant.
- True False
32. Peremptory challenges are limited in number, but challenges for cause are not.
- True False

33. A defendant who has decided to testify may refuse to answer relevant questions.
True False
34. A jury may find the defendant innocent.
True False
35. Only the defense attorney is allowed to speak during closing arguments.
True False
36. In order to plead guilty, the defendant must have the court's consent.
True False
37. The lowest level of criminal court in the federal system is _____.

38. Criminal process against a defendant begins formally with the filing of a(n) _____.

39. An affidavit can be described as a(n) _____.

40. An indictment is issued by the _____.

41. _____ comes after an indictment is issued.

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

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

44. A(n) _____ is issued to a witness to compel attendance at a criminal proceeding.

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

46. There are two major forms of relief for a defendant after being convicted of a crime:
_____ and _____.

47. What is the lowest level of criminal court in your state's system?
48. Draw a schematic diagram comparing the federal court system to your state's system.
49. List the stages of the criminal justice system from arrest through appeal in proper sequence.
50. Write a brief paragraph describing what takes place during *voir dire*.

51. Explain the differences between a subpoena and a summons.
52. Explain what is meant when a defendant is ruled incompetent.
53. Name three things that a prosecutor or defense attorney may strike a juror for.
54. What is a suppression hearing and at what stage of the process does it take place?

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

Chapter 2--Criminal Courts, Pretrial Processes, and Trials **Key**

1. A court's authority to hold a trial is
 - A. venire.
 - B.** original jurisdiction.
 - C. appellate jurisdiction.
 - D. venue.
2. A court which has only appellate jurisdiction has 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.
3. The structure of the federal court system in ascending order of authority 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.
4. A court which can try all felony cases has
 - A. limited jurisdiction.
 - B. appellate jurisdiction.
 - C.** general jurisdiction.
 - D. *certiorari*.
5. When the US Supreme Court grants a writ of *certiorari*, this means that
 - A. the Court is taking original jurisdiction over the case.
 - B. the Court is obligated to review the case.
 - C.** the Court is willing to review a case decided by a lower court.
 - D. the Court is willing to retry the case.
6. What stage of the criminal justice system occurs soonest after arrest and booking?
 - A. Trial
 - B. Suppression hearing
 - C. Preliminary hearing
 - D.** Initial appearance
7. The purpose of the preliminary hearing is
 - A. to inform the defendant of the charges.
 - B. to accept the defendant's plea.
 - C.** to determine the existence of probable cause.
 - D. to bind the defendant over for the grand jury.

8. At the preliminary hearing, if the judge finds probable cause to believe the defendant committed the offense, the defendant is
- A. jailed awaiting trial.
 - B. provided with an attorney.
 - C. arraigned.
 - D.** bound over to the grand jury.
9. Which of the following 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
10. The only document on the following list which is not based on probable cause is
- A. indictment.
 - B. prosecutor's information.
 - C. a true bill.
 - D.** a subpoena.
11. At which proceeding is the defendant's plea requested?
- A. Indictment
 - B. Preliminary hearing
 - C. Initial appearance
 - D.** Arraignment
12. In which proceeding does only the prosecution (not the defense) present evidence?
- A. Arraignment
 - B.** Grand jury
 - C. Preliminary hearing
 - D. Suppression hearing
13. Which type of immunity protects a witness from prosecution for the crime which the witness testifies about?
- A. Common law
 - B.** Transactional
 - C. Use
 - D. Legislative
14. Which proceedings are often combined for misdemeanors in magistrates' courts?
- A. Indictment and presentment
 - B. Preliminary hearing and presentment
 - C.** Initial appearance and arraignment
 - D. Warrant and suppression hearing
15. 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.

16. Which is not an acceptable plea in a criminal case?
- A. Not guilty
 - B. Guilty
 - C. *Nolo contendere*
 - D.** Innocent
17. If a defendant stands mute, the judge considers that a plea of
- A.** not guilty.
 - B. guilty.
 - C. *nolo contendere*.
 - D. innocent.
18. A defendant has a right to trial by jury under the Sixth Amendment
- A. in all criminal prosecutions.
 - B. in prosecutions for offenses for which an imprisonment penalty is a possibility.
 - C.** in all prosecutions for which the possible penalty is 6 months or more imprisonment.
 - D. in all prosecutions including juvenile court proceedings.
19. The process of questioning jurors to determine if they are prejudiced regarding a particular case is called
- A.** *voir dire*.
 - B. venire.
 - C. challenge for cause.
 - D. peremptory challenge.
20. If a prospective juror, from watching television news, admits during examination that he has already formed an opinion that the defendant is not guilty, the juror should be
- A. considered fit for service.
 - B. peremptorily challenged.
 - C.** challenged for cause.
 - D. polled.
21. The standard for finding a defendant guilty of a crime is
- A. reasonable doubt.
 - B. probable cause.
 - C.** beyond a reasonable doubt.
 - D. absolute certainty.
22. The burden of proof in United States courts is always on
- A. the defendant.
 - B.** the prosecutor.
 - C. the judge.
 - D. the jury.
23. The possible outcomes of jury deliberation do not include a finding of
- A.** innocent.
 - B. guilty.
 - C. unable to agree.
 - D. not guilty.

24. The appellate court may affirm the conviction of a defendant, even if there was trial error. The conviction will be upheld if the court finds that there was error which had little likelihood of changing the result of the trial. This is called the
- A. plain error rule.
 - B.** contemporaneous objection rule.
 - C. harmless error rule.
 - D. final judgment rule.
25. The power of a jury to acquit regardless of the strength of the evidence against a defendant is called
- A. *voir dire*.
 - B. probation.
 - C.** jury nullification.
 - D. hung jury.
26. Sometimes, because of heavy publicity or intense community feeling, a defendant may wish to have his or her case tried in a different place than the one authorized by statute. A motion to move a trial to a different location is referred to as a(n)
- A. subpoena.
 - B. joinder and severance.
 - C.** change of venue.
 - D. waiver of indictment.
27. The prosecutor's reexamination of the prosecution's witness in order to rehabilitate him or her in the eyes of the jury is known as
- A. recross-examination.
 - B. cross-examination.
 - C.** redirect examination.
 - D. direct examination.
28. Typically the presentence investigation is prepared by
- A. police officers.
 - B. court officers.
 - C. the defense attorney.
 - D.** probation officers.
29. A complaint may be issued on evidence which is inadmissible in court.
- TRUE**
30. The purpose of the initial appearance is to accept the defendant's plea.
- FALSE**
31. A judge may refuse to accept a plea bargain which has been reached between the prosecutor and the defendant.
- TRUE**
32. Peremptory challenges are limited in number, but challenges for cause are not.
- TRUE**

33. A defendant who has decided to testify may refuse to answer relevant questions.

FALSE

34. A jury may find the defendant innocent.

FALSE

35. Only the defense attorney is allowed to speak during closing arguments.

FALSE

36. In order to plead guilty, the defendant must have the court's consent.

TRUE

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

US District Court

38. Criminal process against a defendant begins formally with the filing of a(n) _____.

complaint

39. An affidavit can be described as a(n) _____.

sworn statement

40. An indictment is issued by the _____.

grand jury

41. _____ comes after an indictment is issued.

Arrest

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

arraignment

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

Brady Rule

44. A(n) _____ is issued to a witness to compel attendance at a criminal proceeding.

subpoena

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

summons

46. There are two major forms of relief for a defendant after being convicted of a crime:
_____ and _____.

appeal; habeas corpus *or*
habeas corpus; appeal

47. What is the lowest level of criminal court in your state's system?

Answer will depend on which state students are in.

48. Draw a schematic diagram comparing the federal court system to your state's system.

Answer will depend on which state students are in.

49. List the stages of the criminal justice system from arrest through appeal in proper sequence.

Answer not provided.

50. Write a brief paragraph describing what takes place during *voir dire*.

Answer not provided.

51. Explain the differences between a subpoena and a summons.

Answer not provided.

52. Explain what is meant when a defendant is ruled incompetent.

Answer not provided.

53. Name three things that a prosecutor or defense attorney may strike a juror for.

Answer not provided.

54. What is a suppression hearing and at what stage of the process does it take place?

Answer not provided.

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

Answer not provided.