

Student name: _____

Today, the rules of evidence in most jurisdictions are in the form of a statute or code.

true

false

Chain of custody refers to the proper handling of evidence during a trial.

true

false

An objective of the rules of evidence is to protect a defendant's rights.

true

false

One criticism of the early "compurgators" was the use of character witnesses who often committed perjury.

true

false

A witness's testimony, when presented to the judge and jury, is not considered evidence.

true

false

If a defendant pleads guilty at an arraignment, the case is set for trial.

true

false

Rules of evidence in jury trials are designed to keep some information from the jury even though it may be relevant.

true

false

The rules of evidence are not static and are constantly changing.

true

false

A grand jury is made up of 8 to 12 persons.

true

false

The Federal Rules of Evidence apply in all federal courts throughout the United States.

true

false

The function of early petit juries was similar to the grand juries of today.

true

false

Booking is a formal processing of the arrested person by the police that involves informing an individual of the right to remain silent, among other things.

true

false

Those states that have adopted the Federal Rules of Evidence have some variances that must be learned by an officer.

true

false

Early jury trials closely resembled the jury trials of today.

true

false

The Federal Rules of Evidence apply only to criminal matters.

true

false

At a preliminary hearing, the judge considers the prosecution's case to decide whether there is probable cause to believe the defendant committed the crimes charged.

true

false

It is the job of the deputy United States Marshals to keep order in the federal courtrooms.

true

false

"Trial by ordeal" was an appeal to the supernatural to determine guilt or innocence.

true

false

The most common version of evidence law in the United States is the Model Penal Code.

true

false

Miranda warnings must be given any time a subject is questioned by a police officer.

true

false

Evidence is any information about the facts of a case, including tangible items, testimony, documents, photographs, or recordings, which, when presented to the jury at trial, tends to prove or disprove these facts.

true

false

The creators of the law believed that juries are trustworthy and need no guidance or protection from manipulation by attorneys during a trial.

true

false

Probation is the most frequently imposed sentence on first-time offenders.

true

false

The Fifth Amendment ensures freedom from unreasonable searches and seizures.

true

false

Once entered into the evidence locker, evidence cannot be removed.

true

false

With reference to the pretrial process, which of the following does discovery intend to do?

to lessen the element of surprise at trial

to inventory all the personal items taken from the suspect

to determine whether a probable cause exists

to recommend a specific sentence to the court by the prosecution

Who is responsible for gathering, preparing, and presenting evidence in a case?

the defense attorney

the police officer

the prosecuting attorney

the expert witness

Which of the following refers to the defendant's appearance to respond formally to the charges?

plea bargaining

pretrial motion

preliminary hearing
arraignment and plea

The state and local police are called upon to perform all of the following functions *except*
enforce the law.
maintain public order.
provide various public services.
investigate federal law violations.

Law enforcement agencies often employ specially trained personnel who are familiar with such specialized fields as
ballistics.
bloodstain analysis.
DNA analysis.
All of the answers are correct.

Which of the following is an alternate name for the chief prosecuting attorney?
the District Attorney
the Federal Attorney
the Regional Attorney
the Corporate Attorney

Which of the following statements is *not* true about the federal system?
The assistant United States Attorneys are all federal employees.
There are more than 90 federal districts.

Each state has at least one United States District Court.

The chief prosecutor is the Chief Justice of the United States Supreme Court.

Identify a true statement regarding plea bargaining.

It involves the discussion of charges to be filed against the accused before arrest.

It resolves around 10 percent of all state and federal prosecutions filed.

It enables the prosecution to take the case to trial and increase the level of penalty.

It allows the prosecution to recommend a specific sentence to the court.

Which of the following is *not* true of the juvenile justice system?

It is intended to be more informal than criminal courts.

Criminal offenders under a certain age, usually 18 or 16, are dealt with in juvenile courts by way of civil, rather than criminal, proceedings.

Juvenile court judges must be certified social workers.

Children who appear in juvenile court have certain fundamental constitutional rights.

Which of the following *best* describes contraband?

a promise to appear in court

an object or material that is illegal to possess

a form of legal action that seeks to free a prisoner from unlawful confinement

the power or authority of a court to act with respect to any case before it

Violations of probation and terms of parole result in hearings that may lead to all of the following *except* _____.

community service

incarceration

re-incarceration

warning

Which of the following statements *best* describes bail?

It is a form of legal action that seeks to free a prisoner from unlawful confinement.

It is a deposit of cash, other property, or a bond guaranteeing that the accused will appear in court.

It is the right afforded to the adversary in a trial to examine, inspect, and copy the evidence in the hands of the other side.

It is the power or authority of the court to act with respect to any case before it.

A(n) _____ is a written promise to pay the bail sum, posted by a financially responsible person.

bond

affidavit

plea

indictment

Who is allowed to be present during grand jury proceedings?

the defendant

the defense counsel

the public

the witness

It is the job of the prosecutor to pursue a case developed by the police until the case terminates by_____.

dismissal

bail

mistrial

impeachment

Which of the following is true about providing legal counsel to a defendant?

A defendant who is sentenced to any time in jail or prison is entitled to an attorney whether or not the defendant can afford one.

A defendant who is sentenced to more than six months in jail or prison is entitled to an attorney whether or not the defendant can afford one.

A defendant who is sentenced to more than 12 months in jail or prison is entitled to an attorney whether or not the defendant can afford one.

A defendant who is sentenced to more than five years in jail or prison is entitled to an attorney whether or not the defendant can afford one.

Which of the following is true about pretrial motions?

They are filed by the prosecuting attorney before arraignment and plea and after trial.

They are filed by the prosecuting attorney after arraignment and plea and before trial.

They are filed by the defense attorney after arraignment and plea and before trial.

They are filed by the defense attorney before arraignment and plea and after trial.

Identify a true statement about the pre-sentence investigation report (PSI).

The report is prepared by the probation department.

The defendants are restricted in filing an objection to the report.

The report recommends a sentence to the prosecuting attorney.

The defendants have a right of appeal if they object to the report.

_____ refers to the neighborhood, place, or county in which an act is declared to have been done or, in fact, happened, thus defining the particular county or geographical area in which a court with jurisdiction may hear and determine a case.

Jurisdiction

Venue

Custody

Bail

Which of the following is a constitutional criminal procedural requirement that has been incorporated into the Due Process Clause of the Fourteenth Amendment?

the freedom from double jeopardy

the freedom of the press

the freedom from government control

the freedom of worship

The following facts concerning jails are all true *except*

jails maintain custody of persons arrested pending prosecution.

on any given day, close to 700,000 adults are being held in jail.

jails provide many services since most inmates are there long-term.

most jails are operated by cities or counties, or both.

Which of the following is true about the inferior court in a state?

It is a court of general jurisdiction.

It is also called the circuit or district court.

It has jurisdiction over felony trials.

It conducts preliminary hearings in felony cases.

After arrest, the prosecutor files a charge against the defendant if the prosecutor is satisfied that the evidence is sufficient to support the charge.

the defendant is a known criminal.

the case is not worthy of prosecution.

the defendant does not have an alibi.

An officer possessing probable cause may arrest the suspect without a warrant, unless

the suspect is in the suspect's home.

the suspect invokes *Miranda* rights.

the suspect can provide a reasonable explanation.

the suspect is in a public place.

Which of the following terms is defined as a court proceeding in which a judge decides whether there is enough evidence that an accused person committed a crime to hold that person for trial?

arraignment

preliminary hearing

grand jury indictment

jurisdiction

When a grand jury charges a person with a crime, it does so by issuing a(n)_____.

affidavit

indictment

subpoena

warrant

The law enforcement officer has the responsibility for filing the criminal complaint. When should this be done, and what must support the complaint?

Why should a law enforcement officer be careful to give only enough information necessary to show probable cause at the preliminary hearing?

When the prosecutor decides to proceed with the charges against the defendant, the accused makes an initial appearance in court. At this time, what will the judge determine while reviewing the charges?

Name four federal law enforcement agencies.

Briefly describe two forerunners of the present-day jury trial.

What is the technical definition of evidence, and what is the purpose of evidence when presented at trial?

"Rules of evidence," or the "law of evidence," as they are also known, are a set of regulations that act as guidelines. List at least three of these general guidelines.

How does the dual judicial system operate in the United States?

What does it mean to be paroled under supervision into the community?

What is the purpose of a grand jury, and when is a grand jury necessary?

What was the case that stands as good case law today regarding the practice of filing an information following a preliminary hearing, rather than using a grand jury indictment procedure? What was the holding of this case?

Answer Key

Test name: Ch1_Criminal Evidence_9e

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Short Answer

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