**Chapter 10: The Criminal Trial**

**TRUE/FALSE**

1. A challenge for cause does not have to specify a reason that a prospective juror should be excused.

T F

2. With a writ of *habeas corpus*, a lawyer orders an incarcerated person to be produced in court.

T F

3. The United States Supreme Court does not require a trial by jury for defendants charged with misdemeanor crimes.

T F

4. The burden of proof in a criminal trial lies with the defense.

T F

1. Double jeopardy always prevents a criminal defendant from being tried twice for the

same crime.

T F

7. Evidence is anything used to prove the existence or nonexistence of a fact.

T F

8. A defendant has the right to “take the fifth” without prejudicing the jury in the prosecution’s favor.

T F

**MULTIPLE CHOICE**

1. What type of evidence tends to make a fact in question more or less probable than it would be without the evidence?

|  |  |
| --- | --- |
| a. | Direct |
| b. | Circumstantial |
| c. | Real |
| d. | Relevant |

2. What type of evidence is offered to establish, by inference, the likelihood of a fact that is in question?

|  |  |
| --- | --- |
| a. | Direct |
| b. | Circumstantial |
| c. | Real |
| d. | Relevant |

REF: 334

3. What type of evidence establishes the existence of a fact that is in question without relying on inference?

|  |  |
| --- | --- |
| a. | Direct |
| b. | Circumstantial |
| c. | Real |
| d. | Relevant |

REF: 334

4. What type of evidence is brought into court and seen by the jury, as opposed to evidence that is described for the jury?

|  |  |
| --- | --- |
| a. | Direct |
| b. | Circumstantial |
| c. | Real |
| d. | Relevant |

REF: 332

5. When a witness takes the stand to offer testimony during a criminal trial, both the defense and the prosecutor have \_\_\_\_\_\_\_\_\_\_\_ opportunities to question them.

|  |  |
| --- | --- |
| a. | one |
| b. | two |
| c. | three |
| d. | four |

REF: 337

6. The right to a speedy trial is provided for under the

|  |  |
| --- | --- |
| a. | Fourth Amendment. |
| b. | Fifth Amendment. |
| c. | Sixth Amendment. |
| d. | Eight Amendment. |

REF: 321

7. What crime is exempt from the statute of limitations?

|  |  |
| --- | --- |
| a. | Rape |
| b. | Kidnapping |
| c. | Arson |
| d. | Murder |

REF: 322

8. The size of the jury in federal cases

|  |  |
| --- | --- |
| a. | can be as large as the defense team desires. |
| b. | is set at twelve and cannot be adjusted. |
| c. | can be limited to a fewer than six members if the defendant requests it. |
| d. | can be smaller than twelve if both sides agree in writing. |

REF: 323

9. Which of the following is true regarding peremptory challenges?

|  |  |
| --- | --- |
| a. | unlimited. |
| b. | limited in number. |
| c. | not allowed in capital cases. |
| d. | are not allowed as a result of *Swain v. Alabama*. |

REF: 330

10. The standard of guilt in criminal trials is

|  |  |
| --- | --- |
| a. | clear and convincing evidence. |
| b. | preponderance of the evidence. |
| c. | without a doubt. |
| d. | beyond a reasonable doubt. |

REF: 324

11. Venire is best described as

|  |  |
| --- | --- |
| a. | a list of all those eligible to serve on a criminal trial jury. |
| b. | a pool of citizens called to the courthouse from which the jury will be chosen. |
| c. | a written questionnaire that potential jurors must complete for the court. |
| d. | the preliminary questions that attorneys ask jurors in order to determine if they are biased for or against the defendant. |

REF: 327

12. Which of the following is not a requirement to serve on a jury?

|  |  |
| --- | --- |
| a. | A citizen must be 18 years of age. |
| b. | A citizen must be able to read, write and comprehend English. |
| c. | A citizen must be a registered voter. |
| d. | A citizen must be free from felony convictions. |

REF: 326-327

13. Voir dire translates from French as

|  |  |
| --- | --- |
| a. | “for justice.” |
| b. | “a test of truth.” |
| c. | “”to come” |
| d. | “to speak the truth.” |

REF: 327

**COMPLETION**

1. A jury is isolated from the public.

REF: 343

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ is the process of questioning prospective jurors to identify potential bias or any connection to the defendant or a witness.

REF: 327

3. An order that requires corrections officials to bring an inmate before a court or judge and explain why he or she is being held in prison is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

REF: 347

4. A juror may be excused without a supporting reason or cause using a challenge.

REF: 330

5. The prohibition against double jeopardy is contained within the \_\_\_\_\_\_\_\_\_\_\_ Amendment.

REF: 345

6. The Amendment guarantees the right to a speedy trial.

REF: 321

7. Only evidence is admissible in court.

REF: 335

8. The questioning of opposing witnesses during trial is examination.

REF: 337

9. The Constitutional protection against self-incrimination is embodied in the Amendment.

REF: 323

**Chapter 10: The Criminal Trial**

**TRUE/FALSE**

1. The “charge” sets forth the rules of law to be applied by the jury in reaching a decision.

T F REF: 342

2. Evidence seen by a jury in court is real evidence.

T F REF: 332

3. A dying declaration would usually qualify as an exception to the hearsay rule.

T F REF: 337

4. Both the prosecution and the defense have the opportunity to question prospective jurors in a proceeding known as venire.

T F REF: 327

5. A directed verdict in a state court is known as a “motion for judgment as a matter of law” in the federal courts.

T F REF: 337-338

6. Evidence is anything that is used to prove or disprove a fact.

T F REF: 332

7. When the defense presents an alibi to refute the defendant’s culpability, this is an example of an affirmative defense.

T F REF: 340

8. The Fifth Amendment requires a speedy trial for those accused of a criminal act.

T F REF: 321

**MULTIPLE CHOICE**

1. In which case did the U.S. Supreme Court set forth rules whereby a judge may send a deadlocked jury back to reconsider the majority view?

|  |  |
| --- | --- |
| a. | *United States v. Dinitz* (1976) |
| b. | *Allen v. United States* (1896) |
| c. | *Sattazahn v. Pennsylvania* (2003) |
| d. | *Miranda v. Arizona* (1966) |

REF: 344

2. When the jury comes back with a vote for acquittal and the case evidence clearly points to the defendant’s guilt, this is known as

|  |  |
| --- | --- |
| a. | jury nullification. |
| b. | a hung jury. |
| c. | vigilante justice. |
| d. | a mistrial. |

REF: 344

3. In which case did the U.S. Supreme Court prohibit prosecutors from the use of peremptory challenges to strike possible jurors on the basis of race?

|  |  |
| --- | --- |
| a. | *Batson v. Kentucky* (1986) |
| b. | *Powers v. Ohio* (1991) |
| c. | *Georgia v. McCollum* (1992) |
| d. | *J.E.B. v. Alabama ex rel. T.B.* (1994) |

REF: 330-331

4. In which of the following circumstances does double jeopardy apply?

|  |  |
| --- | --- |
| a. | When the defendant will be charged both criminally and civilly |
| b. | When the first trial ends in a hung jury |
| c. | When the defendant will be charged in both state and federal criminal court |
| d. | The state prepares a second criminal trial for the same defendant and the same crime |

REF: 345

5. Which of the following is NOT grounds for an appeal?

|  |  |
| --- | --- |
| a. | To correct an error in the first trial |
| b. | To challenge or correct policy |
| c. | The defendant has obtained new, more expensive counsel |
| d. | When an existing law no longer reflects the values of society |

REF: 345-346

6. Which of the following is NOT one of the six steps of the appeals process?

|  |  |
| --- | --- |
| a. | Oral arguments. |
| b. | Submission of briefs |
| c. | Testimony of witnesses |
| d. | Submission of exhibits from the first trial |

REF: 346

7. When the appellate court sends the case back to the trial court without overturning it, the case is said to be

|  |  |
| --- | --- |
| a. | upheld. |
| b. | remanded. |
| c. | reversed. |
| d. | stalled. |

REF: 346

8. Which of the following is not an affirmative defense?

|  |  |
| --- | --- |
| a. | Self-defense |
| b. | Duress |
| c. | Insanity |
| d. | Alibi |

REF: 340

9. In which case did the U.S. Supreme Court hold that the prosecutorial tactic of citing a defendant’s refusal to testify as an indicator of the defendant’s guilt effectively invalidates the defendant’s Fifth Amendment right to remain silent?

|  |  |
| --- | --- |
| a. | *Barker v. Wingo* (1972) |
| b. | *Duncan v. Louisiana* (1968) |
| c. | *Ballew v. Georgia* (1978) |
| d. | *Adamson v. California* (1947) |

REF: 323-324

10. At trial, after the prosecution rests, the defense can make a

|  |  |
| --- | --- |
| a. | motion for appeal. |
| b. | motion for a directed verdict. |
| c. | motion for *habeas corpus*. |
| d. | motion for *voir dire*. |

REF: 337

11. The Fifth Amendment includes \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| a. | the prohibition against double jeopardy |
| b. | the right to a speedy trial |
| c. | the right to confront witnesses |
| d. | the right to an attorney |

REF: 344

12. The right to confront witnesses during a criminal trial is guaranteed in the

|  |  |
| --- | --- |
| a. | Fourth Amendment. |
| b. | Fifth Amendment. |
| c. | Sixth Amendment. |
| d. | Fourteenth Amendment. |

REF: 337

**COMPLETION**

1. When using a(n) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the defense suggests that while the criminal act took place, the defendant should not be found guilty because of certain circumstances surrounding the crime.

2. The Sixth Amendment guarantees the defendant the right to an jury.

3. Seeking a higher court’s review of a lower court’s decision is done through a(n) .

4. A jury is one whose members are irreconcilably divided.

5. The level of proof needed for a criminal conviction is .

6. In a(n) charge, the judge asks jurors in the minority of a deadlocked to reconsider the majority opinion.

7. Jury occurs when jurors acquit a defendant despite significant evidence of guilt.

8. Witnesses are often granted \_\_\_\_\_\_\_\_\_\_\_\_ before testifying, meaning that no information they disclose can be used to bring criminal charges against them.