

BCJ 240

Procedures in the Justice System

Text: ***Criminal Procedure: From First Contact to Appeal***

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Final Examination



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Multiple Choice Questions (Enter your answers on the enclosed answer sheet)

1. Typically, the lowest-level court(s) in a given state is/are:
 - a. courts of general jurisdiction.
 - b. the state supreme court.
 - c. intermediate appellate courts.
 - d. courts of limited jurisdiction.

2. Each state has its own highest court, typically referred to as:
 - a. superior courts.
 - b. intermediate appellate courts.
 - c. state supreme courts.
 - d. courts of limited jurisdiction.

3. At the federal level, the lowest-level trial court is referred to as:
 - a. U.S. Supreme Court.
 - b. U. S. courts of appeals.
 - c. district courts.
 - d. trial courts.

4. When an appellate court reverses a lower court's decision, it:
 - a. nullifies or sets aside a trial verdict.
 - b. adjudicates the case.
 - c. sends the case to a higher court for review
 - d. sets the defendant free.

5. When an appellate court agrees with a lower court's decision, it _____ that decision.
 - a. reverses
 - b. affirms
 - c. remands
 - d. vacates

6. In order for a case to reach the Supreme Court, the court must decide whether it wants to hear the case. If the Supreme Court agrees that case is worth deciding, it issues what is known as a:
 - a. lex loci.
 - b. jus cogens.
 - c. certiorari.
 - d. writ of certiorari.

7. Which of the following is NOT a reason a “bright-line” decision may be helpful?

- It promotes consistency.
- It promotes clarity and predictability.
- It is ambiguous.
- It is subject to very little interpretation.

8. Police conduct that is considered reasonable by the police officer engaged in the conduct is referred to as:

- subjective reasonableness.
- objective reasonableness.
- reasonable objectiveness.
- unreasonable objectiveness.

9. The term “objective reasonableness” in criminal procedure refers to:

- what a single individual believes is reasonable.
- what a reasonable person believes is reasonable.
- what a jury believes is reasonable.
- what a reasonable person would do or feel under the circumstances.

10. Judicial restraint refers to:

- limiting decisions to the facts of each case.
- deciding cases based on additional, hypothetical situations.
- interpreting complex legal issues.
- relying on case law to determine outcomes.

11. The past Supreme Court requirement that a physical intrusion by authorities must have taken place to violate one's privacy is referred to as the:

- electronic communication protection doctrine.
- privacy doctrine.
- trespass doctrine.
- physical protection doctrine.

12. In the Section 1983 context, the requirement that the plaintiff (i.e., the party suing) generally has to prove that the defendant officer intended for the violation to occur is referred to as

- a. liability
- b. credibility
- c. accountability
- d. culpability

13. In the Section 1983 context, the theory that an officer who violated a plaintiff's constitutional rights under color of state law should be held liable is referred to as:

- a. individual liability.
- b. criminal liability.
- c. culpability.
- d. civil liability.

14. There are three nonjudicial remedies available for police misconduct. Which of the following is/are NOT one of them?

- a. Internal review
- b. Civilian review
- c. Mediation
- d. All of the above are nonjudicial remedies.

15. A nonjudicial remedy in which the police investigate on their own complaints against officers is:

- a. internal review.
- b. civilian review.
- c. mediation.
- d. judicial review.

16. Which is the strongest method of citizen input in which a civilian panel investigates, adjudicates, and recommends punishment to the police chief?

- a. Internal review
- b. Civilian review
- c. Mediation
- d. Judicial review

17. A method of alternative dispute resolution in which a neutral third party renders disciplinary decisions is referred to as:

- internal review.
- civilian review.
- mediation.
- judicial review.

18. One way to determine if a Fourth Amendment seizure of a person has occurred is to ask if a reasonable person would believe that he or she is:

- free to post bail.
- speak to an attorney.
- free to decline the officer's requests and terminate the encounter.
- None of the above.

19. In which case did the Supreme Court state that a seizure has occurred if the officer's conduct in conjunction with the questioning would convince a reasonable person that he or she is not free to leave?

- Terry v. Ohio
- Dunaway v. New York
- California v. Hodari D
- Brinegar v. United States

20. Which of the following is necessary for the police to engage in actions that trigger the Fourth Amendment? Examples include probable cause and reasonable suspicion.

- Justification
- Standard recognition
- Validation
- Authentication

21. This term refers to more than bare suspicion; it exists when "the facts and circumstances within [the officers'] knowledge and of which they [have] reasonably trustworthy information [are] sufficient to warrant a prudent man in believing that the [suspect] had committed or was committing an offense."

- Reasonable suspicion
- Justification
- Probable cause
- Administrative justification

22. Probable cause may be established in many ways. Which of the following would be an example?

- Flight from the scene
- Suspicious conduct
- Incriminating evidence
- All of the above

23. In several arrest cases, the courts have considered what sources of information meet the probable cause burden. Three main sources of information have been examined. Which of the following is NOT one of them?

- Informants and other third parties
- Uncorroborated phone tips
- Firsthand knowledge
- Information that turns out, after the fact, to be mistaken but is reasonably relied on

24. Justification that falls below probable cause but above a hunch is referred to as:

- reasonable suspicion.
- probable cause.
- justification.
- administrative justification.

25. Which level of justification is required for stops and investigative detentions that fall short of arrests?

- Reasonable suspicion
- Probable cause
- Justification
- Administrative justification

26. Which standard is used to support certain regulatory and special needs searches? It was created by the Supreme Court and adopts a balancing approach, weighing the privacy interests of individuals with the interests of society in preserving public safety.

- Reasonable suspicion
- Probable cause
- Justification
- Administrative justification

27. The courts have required that administrative searches be conducted according to:

- a. probable cause.
- b. objective, standardized procedures.
- c. departmental standards.
- d. officer discretion.

28. Which was the first Supreme Court case to recognize administrative justification?

- a. Camara v. Municipal Court
- b. United States v. Biswell
- c. New York v. Burger
- d. Donovan v. Dewey

29. In Dunaway v. New York, the Supreme Court ruled that:

- a. border detention cases must have reasonable suspicion.
- b. before a juvenile is questioned, the officer must have probable cause
- c. a custodial interrogation must be supported by probable cause.
- d. encounters between police and citizens on the street must be recorded, brief, and nonintrusive.

30. For a Title III warrant to be issued, the warrant application must do which of the following?

- a. Provide a statement of the period of time for which the interception is required to be maintained.
- b. Contain a description of all the equipment that will be used to monitor the communication.
- c. All of the above.
- d. None of the above.

31. In which case did the Supreme Court rule that deadly force may be used when (1) it is necessary to prevent the suspect's escape, and (2) the officer has probable cause to believe the suspect poses a serious threat of death or causes serious physical injury to other people or police officers?

- a. Davis v. Mississippi
- b. Graham v. Connor
- c. Tennessee v. Garner
- d. Carroll v. United States

32. Which of the following is/are restrictions imposed on the police regarding the timing of search warrants?

- The service of a search warrant should take place promptly after its issuance.
- Judges commonly restrict the service of warrants to the daytime hours.
- Once the item in the warrant has been discovered, the search must be terminated.
- All the above

33. The methods used to spy on criminal suspects, such as wiretapping, video surveillance, thermal imagers, and “gun detectors,” are referred to as:

- electronic surveillance.
- investigative techniques.
- entrapment procedures.
- exploratory measures.

34. In which case did the Supreme Court consider a statute that permitted eavesdropping orders to be issued by magistrates if the police showed reasonable grounds that evidence of a crime would be discovered?

- Katz v. United States,
- Berger v. New York
- United States v. Leon
- United States v. Giordano

35. Title III of the Omnibus Crime Control and Safe Streets Act is federal legislation enacted in 1968 that set forth detailed guidelines on how authorities could intercept:

- wire communications.
- oral communications.
- electronic communications.
- all of the above.

36. Title III of the Omnibus Crime Control and Safe Streets Act and the Electronic Communications Privacy Act amend that in order for the government to intercept almost any wire, oral, and electronic communications among private parties, it must have:

- an informant.
- probable cause.
- reasonable suspicion.
- a valid search warrant.

37. Which of the following statutes has restricted or continues to restrict electronic surveillance?

- a. Title III of the Omnibus Crime Control and Safe Streets Act of 1968
- b. Electronic Communications Privacy Act
- c. 1986 amendments to Title III
- d. All of the above

38. Which type of warrant permits interception of electronic communications?

- a. Section 1983
- b. Title III
- c. Title IX
- d. Section 242

39. In regards to automobile searches, the term “automobile” includes which of the following?

- a. Airplanes
- b. Boats
- c. Cars
- d. All of the above.

40. Which of the following is NOT a doctrine governing searches of automobiles?

- a. prior encounters with the driver
- b. incident to arrest
- c. under the plain view doctrine
- d. with consent of the automobile's occupant

41. Which Supreme Court case upheld the common-law rule that arrests made in public do not need to be predicated on a warrant?

- a. Devenpeck v. Alford
- b. United States v. Moreno
- c. United States v. Watson
- d. Atwater v. City of Lago Vista

42. Title VII of the Civil Rights Act of 1964 requires a showing of:

- a. disparate effect.
- b. disparate impact.
- c. discouraging impact.
- d. dishonest effect.

43. The plain view doctrine first emerged from the Supreme Court's decision in which case?

- a. Whren v. United States
- b. Yick Wo v. Hopkins
- c. State v. Carty
- d. Coolidge

44. A plain view seizure is authorized when:

- a. the police are lawfully in the area where the evidence is located.
- b. the items are immediately apparent as subject to seizure.
- c. the discovery of the items to be seized is inadvertent.
- d. All of the above

45. For an item to be lawfully seized under the plain view doctrine, it must be "immediately apparent" to the officer that the item is subject to seizure. This means that the officer must

- a. Be absolutely certain the item is contraband.
- b. Be reasonably certain that the item is contraband.
- c. Have probable cause that the item is contraband.
- d. Have a hunch that the item is contraband.

46. In which case did the Supreme Court create the "immediately apparent" requirement for a valid plain view seizure?

- a. Arizona v. Hicks
- b. Horton v. California
- c. Minnesota v. Dickerson
- d. Coolidge v. New Hampshire

47. A frisk must be supported by reasonable suspicion that the suspect is:

- a. likely to escape.
- b. armed and dangerous.
- c. engaged in criminal activity.
- d. posing a threat to destroy evidence.

48. Cases dealing with stops for loitering are:

- a. constitutionally acceptable.
- b. necessary.
- c. advisory.
- d. constitutionally questionable.

49. Which of the following can be considered characteristics of drug couriers?

- a. Use of large denominations of currency
- b. Excessive number of bags
- c. Travel to and from major drug import centers
- d. Carrying a small amount of cash

50. In *Elmore v. United States*, the Fifth Circuit said the following can be considered characteristics of drug couriers:

- a. Unusual itinerary
- b. Use of an alias
- c. Carrying little or no luggage
- d. All of the above.

51. Where does drug courier profiling occur?

- a. Airports
- b. U.S. highways
- c. county roads
- d. a and b only

52. Which of the following has been defined as an “encounter in which contact is initiated by a police officer without any articulable reason whatsoever and the citizen is briefly asked some questions”?

- a. Investigative detention
- b. Consent search
- c. Exploratory search
- d. Consensual seizure

53. A temporary involuntary detention which must be predicated on reasonable suspicion is referred to as:

- a. investigative detention.
- b. consent search.
- c. exploratory search.
- d. consensual seizure.

54. Which of the following is true of consent searches?

- a. Probable cause is not required.
- b. Citizens remain free to decline the officer's request to conduct a search.
- c. The person must feel free to decline or refuse.
- d. All of the above

55. In which case did the Supreme Court declare that checkpoints for the purpose of detecting evidence of criminal activity are unconstitutional?

- Carroll v. United States
- Michigan Dept. of State Police v. Sitz
- Delaware v. Prouse
- City of Indianapolis v. Edmond

56. In O'Connor v. Ortega the Supreme Court ruled that searches of government employees' offices are acceptable if they are limited to detecting:

- evidence of criminal activity.
- evidence of work-related misfeasance.
- work-related documents.
- personal effects.

57. Which of the following is a type of drug and alcohol testing NOT sanctioned by the Supreme Court?

- Employee testing
- Student testing
- Hospital patient testing
- None of the above

58. In which case did the Supreme Court hold that it is permissible to search a probationer's home without a warrant and based on reasonable suspicion was constitutional?

- Griffin v. Wisconsin
- Veronia School District 47J v. Acton
- Pennsylvania Board of Probation and Parole v. Scott
- United States v. Knights

59. Which of the following is a search that requires no justification at all?

- Inspection
- Checkpoint
- Drug test
- Consent search

60. The scope of consent is:

- a. limitless.
- b. heavily restricted.
- c. limited to the type of consent given.
- d. subject to the same rules as search warrants.

61. A controversial law enforcement practice used to obtain consent to search in the absence of probable cause is called:

- a. knock and ask.
- b. knock and demand.
- c. knock and talk.
- d. knock and search.

62. The Supreme Court has sanctioned school disciplinary searches for which grades?

- a. K-6
- b. K-9
- c. K-12
- d. All grades and public college

63. For consent to be constitutionally valid, it must be:

- a. voluntary.
- b. not the result of duress.
- c. freely given.
- d. all of the above.

64. After a suspect asserts his or her Miranda rights, questioning:

- a. must cease as a general rule.
- b. may continue under limited circumstances.
- c. can occur later regarding another crime with a new Miranda advisement and waiver.
- d. All of the above

65. A Miranda waiver must be:

- a. knowing.
- b. intelligent.
- c. voluntary.
- d. all of the above.

66. In which recent case did the Supreme Court reaffirm Miranda?

- a. Massiah v. United States
- b. Dickerson v. United States
- c. Harris v. New York
- d. United States v. Bayer

67. Which exception to Miranda exists if there is a threat to third parties?

- a. Exigent circumstances
- b. Public safety
- c. Emergency
- d. Impracticality

68. Which of the following is the “Christian burial” case in which the Supreme Court held that the police violated the suspect’s Sixth Amendment rights by deliberately engaging in conduct designed to elicit incriminating information?

- a. Miranda v. Arizona
- b. United States v. Henry
- c. Brewer v. Williams
- d. Kuhlmann v. Wilson

69. With respect to the Sixth Amendment approach to confessions and interrogations, which of the following can be considered a formal criminal proceeding?

- a. Indictment
- b. Arraignment
- c. Formal charge
- d. All of the above

70. When a suspect makes an involuntary statement, his or her statement will not be admissible in a criminal trial to prove guilt. This is known as the:

- a. Miranda approach.
- b. Massiah doctrine.
- c. Due process voluntariness approach.
- d. Fifth Amendment rule.

71. What do the courts pay attention to when deciding whether a confession is voluntary?

- a. The nature of the police conduct
- b. The characteristics of the accused
- c. Whether or not force was used
- d. All of the above

72. Which of the following, by itself, will automatically render a confession involuntary?

- a. Psychological pressures
- b. Promises of leniency
- c. Deception
- d. None of the above

73. Identifications resulting from illegal searches and seizures are:

- a. never admissible.
- b. always admissible.
- c. sometimes admissible.
- d. None of the above

74. When a witness identifies the suspect for the first time in court, this is best known as a(n):

- a. trial identification.
- b. trial showup.
- c. in-court identification.
- d. in-court showup.

75. Which of the following deals with whether the witness's testimony is to be believed?

- a. Credibility
- b. Impeachment
- c. Competency
- d. Discrediting

76. Which of the following is the formal legal term for bolstering a witness's credibility?

- a. Credibility
- b. Impeachment
- c. Competency
- d. Accrediting

77. Which of the following terms pertains to a witness's ability to remember events, communicate effectively, and understand the importance of telling the truth?

- a. Credibility
- b. Impeachment
- c. Competence
- d. Accrediting

78. Which case addressed that specific rules govern the processes of accrediting and discrediting a witness's credibility?

- a. United States v. Price
- b. People v. Banks
- c. Manson v. Braithwaite
- d. Simmons v. United States

79. Attacking a witness's credibility is referred to as:

- a. liable.
- b. discrediting.
- c. impeachment.
- d. None of the above

80. When the credibility of a witness is attacked, the side that produced the witness can take steps to bolster his or her credibility, either by calling other witnesses or introducing other evidence. This process is known as:

- a. restructuring.
- b. rehabilitation.
- c. redistricting.
- d. transforming.

81. During a criminal trial, which type of in-court questioning occurs when a defense witness is first questioned by the defense attorney?

- a. Direct examination
- b. Cross-examination
- c. Redirect examination
- d. Re-cross-examination

82. Which of the following is intended to prevent hasty, malicious, improvident, and oppressive prosecutions?

- a. Trial
- b. Pretrial release hearing
- c. Preliminary hearing
- d. Arraignment

83. Once a person has been formally charged, he or she will be:

- a. released prior to trial.
- b. arraigned.
- c. scheduled for a probable cause hearing.
- d. sent to jail.

84. Which of the actions below may be taken at an arraignment?

- a. The judge will advise the accused of the charges.
- b. The accused may plead guilty.
- c. The accused may plead not guilty and request a jury trial.
- d. All of the above may occur.

85. Which of the following is NOT a valid plea that can be entered at arraignment?

- a. Guilty
- b. Not guilty
- c. Nolo prosequi
- d. Nolo contendere

86. According to the Federal Rules of Evidence, the defense may discover which of the following from the prosecution?

- a. Transcriptions of oral statements made by the defendant
- b. The defendant's prior criminal record
- c. Results from physical and/or mental evaluations
- d. All of the above

87. Which of the following statements is true concerning discovery?

- a. The defense can learn about aspects of the prosecution's case.
- b. The prosecution can learn about aspects of the defense's case.
- c. The prosecution is limited in terms of what it can "discover."
- d. All of the above

88. Which of the following refers to discovery that “works both ways”?

- a. Work product
- b. Nonreciprocal discovery
- c. Reciprocal discovery
- d. None of the above

89. With regard to discovery, prosecution or defense “strategy” is also referred to as:

- a. preparation
- b. work product
- c. perspective
- d. hearsay

90. Which of the following usually takes place after a pretrial release decision has been made?

- a. Preliminary hearing
- b. Arraignment
- c. Initial appearance
- d. All of the above.

91. The prosecution is only bound to disclose exculpatory evidence that would have what probability of changing the outcome of the case?

- a. Guaranteed
- b. Reasonably probable
- c. Plausible
- d. None of the above.

92. Which term(s) is/are used to describe the defendant's explanation to the judge concerning his or her guilty plea?

- a. Allocution
- b. Narrative
- c. Supporting statement
- d. All of the above may be used

93. Nowadays, grand jury operations are:

- a. closely tied to the prosecutor.
- b. independent from the prosecutor.
- c. only remotely connected to the prosecutor.
- d. always advised by the courts, not prosecutors.

94. Which of the following statements is true concerning grand juries?

- a. The right to grand jury indictment has been incorporated.
- b. The right to a grand jury indictment appears in the Sixth Amendment.
- c. Several states require grand jury indictments for felonies.
- d. All of the above

95. A criminal charge filed by a grand jury is known as a(n):

- a. information.
- b. charge.
- c. arraignment.
- d. None of the above

96. Grand jury indictments will be the charging mechanism of choice when:

- a. the case is of great political significance.
- b. the grand jury's investigative powers are useful.
- c. one or more witnesses is/are hesitant to speak in open court.
- d. the case is of great public interest.
- e. All of the above

97. Today, what is the size of the typical grand jury?

- a. 5 - 10 people
- b. 7 - 15 people
- c. 16 - 20 people
- d. 30 - 35 people

98. Which of the following statements is most true concerning grand jury voting requirements?

- a. The vote must be unanimous.
- b. The vote can be less than unanimous.
- c. Voting requirements differ by state.
- d. All of the above

99. When a grand jury decides there is enough evidence for an indictment, it issues a(n):

- a. complaint.
- b. information.
- c. true bill.
- d. statement of noncollusion.

100. Which of the following is NOT a reason for grand jury secrecy?

- a. To prevent the escape of those whose indictment may be contemplated
- b. To insure the utmost freedom to the grand jury in its deliberations
- c. To protect powerful people from damaging public prosecution
- d. To protect the innocent accused

