

CRIMINAL JUSTICE SYSTEM

1. In jurisdictions that practise criminal bargaining agreements, which of the following parties generally has/have discretion to decide whether to settle charges with a bargaining agreement?
- A. The prosecution
 - B. The jury
 - C. The defendant's counsel
 - D. All of the above
2. In countries that require arrest warrants, which of the following is NOT a typical exception to the warrant requirement?
- A. Contraband is discovered in the suspect's possession
 - B. The person is arrested at home
 - C. An emergency situation occurs
 - D. The offence occurs in the presence of a police officer
3. In criminal trials in common law jurisdictions, a jury must serve as the fact finder.
- A. True
 - B. False
4. In inquisitorial jurisdictions, which of the following parties may access the full evidentiary record prior to the trial phase of criminal proceedings?
- A. The defence only
 - B. The judge and the prosecution only
 - C. Both the prosecution and the defense
 - D. The prosecution only
5. In criminal proceedings in adversarial jurisdictions, which of the following best describes the defendant's right to access relevant information from the prosecution?
- A. The defence is not entitled to any information held by the prosecution
 - B. The defence has the same right to information held by the prosecution as parties in civil litigation
 - C. The defence may access all relevant information held by the prosecution, including attorney work product.
 - D. The defence has a limited right to information, but is entitled to exculpatory information.
6. A defendant in a criminal case may properly use advanced age as a legal defence against charges of criminal conduct.
- A. True
 - B. False
7. In civil law jurisdictions, which of the following might be used as a criminal charging document or the closest thing available to a charging document?
- A. Criminal petition
 - B. Indictment
 - C. Arrest warrant
 - D. All of the above
8. In some common law jurisdictions, if the prosecution or defence counsel simply doesn't like a prospective juror in a criminal trial, which of the following can sometimes be used to remove the potential juror from the jury panel without comment or justification?
- A. Venire
 - B. Challenge for cause
 - C. Peremptory challenge
 - D. Voir dire

9. Which of the following is the MOST ACCURATE statement about closing arguments in criminal trials in most common law jurisdictions?
- A. Closing arguments themselves can only be counted as evidence in favour of or against the defendant ✓
 - B. Closing arguments themselves can only be counted as evidence in favour of the prosecution ✓
 - C. Closing arguments are not evidence, but are an opportunity for attorneys to explain how the evidence supports their case
 - D. In the closing arguments, defence counsel cannot comment on the motives and credibility of the government's witnesses.
10. Which of the following outcomes to criminal allegations of fraud against an organisation occurs when prosecutors agree not to prosecute claims as long as the organisation reforms its practices and reduces the risk of illegal activities?
- A. Sentencing agreement ✓
 - B. Judgment notwithstanding the verdict ✓
 - C. Plea bargaining agreement ✓
 - D. Deferred prosecution agreement ✓
11. Which of the following is NOT generally considered a proper legal defence asserted by defendants in criminal cases?
- Ignorance of law is no defence.*
- A. Necessity ✓
 - B. Illiteracy ✓
 - C. Legal impossibility ✓
 - D. Entrapment ✓
12. In common law jurisdictions, which of the following parties typically serves as the fact finder in criminal trials?
- A. One professional judge and a panel of lay judges
 - B. The prosecution
 - C. The judge
 - D. A jury ✓
- * 13. Which of the following statements concerning the criminal discovery process in adversarial jurisdictions is most accurate?
- A. Neither party may request evidence from the opposing party until after the trial begins ✓
 - B. Most discovery between the parties occurs during the pretrial stage ✓
 - C. Although the prosecution may request information, the defendant is not allowed to request information unless the judge approves ✓
 - D. If a party to the litigation fails to comply with a discovery request, the prosecution settles the dispute and may order the party to comply. ✗
- * 14. In jurisdictions that recognise corporate criminal liability, which of the following is (are) required to hold the corporation vicariously liable for the acts of one of its employees?
- A. An employee committed each element of a criminal violation ✓
 - B. The employee was acting within the scope of his employment ✓
 - C. The employee was acting for the benefit of the corporation
 - D. All of the above ✓
15. In most civil law countries, a criminal appellate court may review issues of both law and fact independently of the trial court's determinations.
- A. True ✓
 - B. False
16. In most jurisdictions, police must always have a warrant to arrest a person for investigative purposes.
- A. True

~~B. False~~

17. In common law jurisdictions, a criminal defendant's prior convictions usually are NOT admissible to determine the defendant's guilt at trial unless the defendant takes the stand.

~~A. True~~

B. False

* 18. Which of the following statements concerning criminal bargaining agreements is most accurate?

A. Bargaining agreements are more commonly accepted in civil law jurisdictions than in common law jurisdictions

B. Bargaining agreements are only allowed in civil law jurisdictions ✗

C. Bargaining agreements are only allowed in common law jurisdictions ✗

~~D. Bargaining agreements are more commonly accepted in common law jurisdictions than in civil law jurisdictions.~~

19. In some common law countries, what type of challenge occurs when the defence attorney in a criminal trial excuses a juror for no reason?

A. Challenge to the array

B. For cause

~~C. Peremptory~~

D. None of the above

* 20. A criminal defendant in a common law jurisdiction was convicted at trial for fraud. The defendant wants to appeal the decision, arguing that the jury made a factual error. Will the defendant likely be successful in his appeal?

A. Yes, as long as the defendant has evidence to support his claim ✗

B. Yes, because the defendant was denied a fair trial ✗

C. No, because only the government may appeal issues of fact in common law jurisdictions ✗

~~D. No, because issues of fact are generally not applicable in common law jurisdictions~~

21. In most civil law jurisdictions, a defendant's guilt and punishment (if the defendant is found guilty) are each decided during separate proceedings. *-criminal law*

A. True

~~B. False~~

* 22. During the closing arguments in a criminal case, the prosecutor is held to a particularly high standard. Which of the following is NOT true?

A. The prosecutor may make reasonable inferences drawn from the facts ✓

B. The prosecutor may express his opinion about the guilt of the defendant •

~~C. The prosecutor cannot attack the credibility of the witness •~~

D. The prosecutor cannot misstate the evidence •

23. The United Nations' International Convention on Civil and Political Rights (ICCPR) guarantees which of the following rights?

A. Freedom from arbitrary arrests ✓

B. The presumption of innocence until the accused is proven guilty according to law ✓

C. Right of the accused to be informed of criminal charges ✓

~~D. All of the above~~

24. During the examining phase of a criminal proceeding in inquisitorial jurisdictions, a judge or magistrate reviews evidence from the investigation, collects further evidence, and creates the written evidentiary record to be used at trial.

~~A. True~~

B. False

25. In common law jurisdictions that allow for peremptory challenges to dismiss prospective jurors without having to provide a reason, which of the following is NOT a permissible reason for the prosecution to exercise a peremptory challenge?

- A. The juror's race
- B. The attorney doesn't like the look on the juror's face
- C. The juror's clothing
- D. The attitude of the juror

26. In criminal trials in some common law jurisdictions, character witnesses may testify to the defendant's character, but they may not testify about specific instances of the defendant's good character.

- A. True
- B. False

27. In inquisitorial criminal trial proceedings, the evidentiary record is already available at the outset of the trial.

- A. True
- B. False

28. Which of the following parties might serve to make factual findings in criminal proceedings in various civil law systems?

- A. A panel of both professional and lay judges
- B. A jury
- C. A judge
- D. All of the above

29. Which of the following best describes the prosecution's right to obtain disclosure of information from defendants in criminal proceedings in adversarial jurisdictions?

- A. The prosecution is heavily limited in disclosures it may obtain, but might be entitled to some types of evidence that form the basis of the defendant's case
- B. The prosecution is typically entitled to more disclosures from the defendant than parties in civil litigation
- C. The prosecution is not entitled to any disclosures ✓
- D. The prosecution is entitled to any relevant disclosures

30. In civil law jurisdictions, judges most commonly serve as the fact finder in criminal proceedings, but some jurisdictions use juries or panels of professional judges and lay judges for serious cases.

- A. True
- B. False

31. Which of the following statements concerning appellate procedure in common law and civil law jurisdictions is most accurate?

- A. Appellate courts in civil law jurisdictions generally may review issues of both fact and law independently of the trial court's determinations ✓
- B. Appellate courts in common law jurisdictions generally may only review issues of fact independently of the trial court's determinations ✗
- C. Appellate courts in civil law jurisdictions generally may only review issues of fact independently of the trial court's determinations ✗
- D. Appellate courts in common law jurisdictions generally may review issues of both fact and law independently of the trial court's determinations.

32. Under the United Nations' International Convention on Civil and Political Rights (ICCPR), those accused of criminal charges are generally entitled to a fair hearing that is private, the results of which should not be disclosed to the public.

- A. True
- B. False

33. During a routine traffic stop, a law enforcement officer noticed illegal contraband in the driver's backseat. The officer asked the person to get out of the vehicle and said, "Stand here while I search your car. You may not leave." The officer finished the search and placed the driver in the backseat of his police car. After securing the scene, he drove the suspect to the police station. In this case, the custodial arrest occurred when the officer told the driver that he may not leave.

- A. True
- B. False

34. Which of the following statements best describes when a custodial arrest occurs?

- A. A custodial arrest occurs at the point where the suspect is physically restrained by a law enforcement officer ✗
- B. A custodial arrest at the point where a law enforcement officer indicates that the suspect is no longer free to leave ✓
- C. A custodial arrest occurs at the point where a law enforcement officer communicates his intent to arrest the suspect ✗
- D. A custodial arrest occurs at the point where a law enforcement officer informs the suspect of his rights as criminal defendant.

35. When an appellate court reviews a trial court's decision de novo, it means that the court adopts all of the legal and factual determinations of the trial court.

- A. True
- B. False

36. Which of the following is NOT one of the three stages of a criminal proceeding in an inquisitorial jurisdiction?

- A. The trial phase ✓
- B. The investigative phase ✓
- C. The sentencing phase ✓
- D. The examining phase ✓

37. Which of the following statements about criminal charging documents in common law jurisdictions is CORRECT?

- A. All crimes are charged by indictment (unless waived by the defendant) ✗
- B. The primary charging document in common law jurisdictions is the arrest warrant ✗
- C. Indictments are accusations in writing of offences and are brought in the name of the government ✓
- D. Informations are charging documents that are typically prepared by the jury ✗

38. In common law jurisdictions, what type of challenge occurs when an attorney in a criminal trial requests that a prospective juror be dismissed because his pre-dispositions make him unfit to serve as a juror?

- A. Challenge to the array ✗
- B. Declinatory
- C. For cause ✓
- D. Peremptory ✗

39. Which of the following accurately describes a designed benefit of deferred prosecution agreements?

- A. They help the justice system dispose of a corporate case while still punishing malfeasance ✗
- B. They encourage an organization to reform poor policies ✗
- C. They help reduce the risk of illegal practices at an organization
- D. All of the above

40. In jurisdictions that recognise corporate criminal liability, to find a corporation vicariously liable for the acts of one of its employees, it is typically necessary that someone in management was involved in the offence or knew about the offence and should have stopped it.

- A. True
- B. False

41. Baron is currently being prosecuted for financial statement fraud for allegedly intentionally over-reporting earnings. Although Baron did over-report income, he did not do so on purpose. Under these facts, which of the following defences, if any, would likely benefit Baron as a defence (assuming that the relevant jurisdiction recognises each offence)?

- A. Duress ✗
- B. Ignorance ✗
- C. Mistake ✓
- ~~D. None of the above~~

42. In most common law jurisdictions, to prevail in a criminal case, the prosecution must prove its case

- A. True beyond any possible doubt
- B. Beyond a reasonable doubt ✓
- C. With clear and convincing evidence
- D. By a preponderance of the evidence

43. Prosecutorial bargaining does not occur in civil law systems.

- ~~A. True~~
- B. False ✓

44. In most civil law countries that use juries, the parties may make peremptory challenges to eliminate the jurors.

- A. True
- B. False ✓

45. Which of the following statements concerning the United Nations' International Convention on Civil and Political Rights (ICCPR) is FALSE?

- A. It states that the right of the accused to a fair hearing includes adequate time to prepare a defence ✓
- B. It states that the right of the accused to a fair hearing includes the right to examine or have examined witnesses against the accused
- C. It states that the results of criminal hearings should be publicized in most cases to promote transparency in the criminal justice system ✓
- D. It states that the right of the accused to a fair hearing includes the right to trial by jury. ✓

46. In a particular jurisdiction, criminal trials often involve a single judge responsible for determining factual issues. In serious cases, the court uses a panel comprised of both professional judges and lay judges to determine such issues. Based on this information alone, the jurisdiction would likely be characterised as which of the following systems?

- A. Civil law system ✓
- ~~B. Common law system~~
- C. Unitary system
- D. Federal system

47. Which of the following best describes the government's burden of proof in criminal cases in civil law jurisdictions that use an inquisitorial court process?

- A. Inner conviction of the judge ✓
- B. Absolute certainty ✗
- C. More likely than not ✓
- D. Beyond a reasonable doubt ✗