Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Motions and Challenges to Evidence Exam**

\_\_\_\_\_1. What are made by either party in court that contests the legality of the other side’s questions?

1. Motions
2. Objections

\_\_\_\_\_2. What are formal requests made to a court for it to do something?

1. Motions
2. Objections

**Imagine you are playing the role of an attorney for all of the remaining questions.**

\_\_\_\_\_3. The police go through your client’s house and find 18 kilos of cocaine. In a motion it is determined that the police did not have a search warrant. What will happen to the evidence?

1. Nothing. It will be used at trial
2. It will be thrown out of trial
3. The police will be allowed to go back and show what made them want to search the client’s house

\_\_\_\_\_4. Your client’s charge is dismissed during a motion. What can happen?

I. Nothing. Case is closed

II. Your client can be recharged

III. The prosecutor can amend the charge

1. I
2. II
3. III
4. II, III

**Matching (Part 1): Some answers may be used more than once.**

\_\_\_\_\_5. Your client has a witness who is afraid of retaliation if they testify in the trial. What motion will you file?

\_\_\_\_\_6. Your client has already been found not guilty for the crime he is being charged with. What motion will you file?

\_\_\_\_\_7. One of the police officers who will be testifying for the prosecution has a bad history with your client. You know this officer will try to bring up their past encounters in trial to make your client look bad. What motion will you file to assure that this does not happen?

\_\_\_\_\_8. After spending some time with your client you come to the conclusion that your client has some psychological issues that could keep him from being found guilty. What motion will you file?

\_\_\_\_\_9. Your client believes it is important for the court to know some facts before the trial but he is afraid that his testimony will make him look guilty and be allowed at his trial, if there is one. You assure him it will not. What motion are you going to file that this applies to?

\_\_\_\_\_10. You believe your client will not get a fair trial at the current location. What motion will you file to address this?

\_\_\_\_\_11. It is trial time and there are a lot of witnesses for the prosecution. You suspect that they will feed off each other’s testimony which will not be good for your client. What will you do?

\_\_\_\_\_12. In your client’s case there is another person who is also charged with the same crime. You know this other person will tell a different story at the trial that will make your client look guilty instead of him. What motion will you file?

\_\_\_\_\_13. You have reason to believe that the police had no reason to stop your client when they found illegal items on him. What motion will you file?

\_\_\_\_\_14. The court your client is in lacks jurisdiction over his charge. What motion will you file?

\_\_\_\_\_15. You have a key witness that will go a long way in showing that your client is not guilty. The only problem is that this witness is working overseas and won’t be back for two months. The trial starts next week. What motion will you file?

\_\_\_\_\_16. The prosecutor has good facts but they don’t show that a crime occurred. What motion will you file?

Motions:

1. Motion to Dismiss or Quash
2. Motion to Suppress
3. Motion for Change of Venue
4. Motion for Severance
5. Motion in Limine
6. Motion for a Protective Order
7. Motion for a Continuance
8. Motion for Mental Examination
9. Invoke the Rule

**Matching (Part 2): Imagine you are defending your client in court. What objections will you raise for each situation below?**

\_\_\_\_\_17. The attorney wants your client to agree with his statement and expounds upon it.

\_\_\_\_\_18. A witness testifies about a relationship your client once had that the witness does not have all the facts on.

\_\_\_\_\_19. An attorney asks your client a question that takes for granted something that hasn’t been proven.

\_\_\_\_\_20. A witness is asked to give his or her opinion on something her or she saw.

\_\_\_\_\_21. A witness begins to talk about something someone said to someone else who told them.

\_\_\_\_\_22. The attorney asks the witness if your client is one of those suspicious types.

\_\_\_\_\_23. The attorney asks the witness on the stand who is a banker if they agree with the evaluation of your client done by a psychologist.

\_\_\_\_\_24. The attorney asks the witness to tell what happened on that day from the moment they saw the alleged crime occur to the time the police wrapped up the investigation.

\_\_\_\_\_25. The attorney introduces a detailed account of the weather on the day the crime occurred even though the crime occurred indoors.

Objections:

|  |  |  |  |
| --- | --- | --- | --- |
| a) | Lack of Personal Knowledge | f) | Relevance of Evidence |
| b) | Opinion Testimony by Non-Experts | g) | Character |
| c) | Assuming Facts Not in Evidence | h) | Leading Question |
| d) | Questions Calling for a Narrative | i) | No grounds for an Objection |
|  | Answer |  |  |
| e) | Hearsay |  |  |