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

**Pretrial and Courtroom Procedures Exam**

1. The 5th amendment protects against double jeopardy and self-incrimination, and guarantees the due process of rights. Which other constitutional right is covered under the 5th amendment?
2. Right to an attorney
3. Right to a Grand Jury
4. Right to know the nature of the accusation
5. Right to a trial by jury
6. Which of the following is not one of the three phases of a trial?
   1. Sentencing
   2. Pretrial
   3. Trial
   4. Arraignment
7. A \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ has closed proceedings used to establish probable cause. This procedure is used to determine probable cause in Texas.
   1. grand jury
   2. preliminary hearing
   3. adjudication hearing
   4. pretrial phase
8. A \_\_\_\_\_\_\_\_\_\_\_\_\_ is a formal charging document that is issued by a Grand Jury charging that there is enough probable cause to take the matter to trial.
   1. Information
   2. Warrant
   3. Indictment
   4. Bail
9. The decision to release a defendant is made by the judge. The release of a defendant prior to trial is called \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_.
   1. Pretrial phase
   2. Deferred adjudication
   3. Posting bail
   4. Pretrial release
10. The decision to release a defendant on bail is weighed on two factors. One factor is the threat the defendant poses to society. The other factor is what?
    1. The rights of the accused
    2. The seriousness of the crime
    3. The level of offense
    4. The defendant can post bail

1. Pretrial proceedings that are open and used to establish probable cause are called what? (Hint: evidence can be challenged during these sessions)
   1. Pretrial phase
   2. Adjudication hearing
   3. Preliminary hearing
   4. Grand jury
2. Formal charging document that is issued from a preliminary hearing is called what?
3. Indictment
4. Information
5. Warrant
6. Bail
7. \_\_\_\_\_\_\_\_\_\_\_ is a financial deposit made with a bondsman to ensure that the defendant will appear in court if released during the pretrial phase.
8. Bail
9. Bond
10. Restitution
11. Fines
12. Which of the following is not one of the pleas that can be entered at the pretrial phase?
    1. Nolo contende
    2. Guilty
    3. Insanity
    4. Not guilty
13. A deal made between the prosecutor and the defense attorney that allows the accused to receive “concessions” for a plea of guilt is called \_\_\_\_\_\_\_\_\_\_\_\_.
    1. Deferred adjudication
    2. Plea bargain
    3. No contest
    4. Insanity plea
14. The 6th amendment constitutional guarantees include all of the following except
    1. The right to an attorney.
    2. The right to a public and speedy trial.
    3. The right to a jury.
    4. The right to bail.
15. The 8th amendment says that fines shall not be excessive and that a person may not be subject to cruel and unusual punishment. It also includes another right in the trial process. Which of the following is it?
    1. Right to confront witnesses
    2. Right to be considered for bail
    3. Right to produce your own witnesses
    4. Right to compensation for property taken by government
16. A financial deposit made to ensure that the defendant will return for his court date is called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
    1. Bond
    2. Fines
    3. Bail
    4. Restitution
17. An application made to the court for a specific ruling is called a \_\_\_\_\_\_\_\_\_\_\_\_\_\_.
    1. Motion
    2. Affidavit
    3. Warrant
    4. Objections
18. An application to the court to “throw out” evidence that does not meet the standard is called what?
    1. Motion
    2. Motion to Suppress
    3. Motion to Dismiss
    4. Objection
19. An application to the court to “throw out” evidence that is damaging to the case is called what?
    1. Motion to Dismiss
    2. Objection
    3. Motion
    4. Motion to Suppress
20. The trial phase begins with what?
    1. Opening statement from the prosecution
    2. Jury selection
    3. Opening statement from the defense
    4. Voir dire
21. What is the level of proof in a criminal trial?
    1. Beyond a reasonable doubt
    2. Preponderance of evidence
    3. Prima facia
    4. Reasonable suspicion
22. Which side has the burden of proof in a criminal trial?
    1. Prosecution
    2. Defense
23. Voir dire means what?
    1. Select a jury
    2. To say the truth
    3. To answer questions
    4. Be an expert
24. The first step is to select a jury. Then the trial begins with what?
    1. Opening statements from the defense
    2. Cross-examination
    3. Opening statements from the prosecution
    4. Direct examination
25. Select the correct order of events in a trial.
    1. Opening statement, jury selection, cross-examination, direct examination
    2. Opening statements, direct examination, cross-examination, jury selection
    3. Jury selection, opening statements, cross-examination, direct examination
    4. Jury selection, opening statements, direct examination, cross examination
26. Prosecution is allowed to present witnesses to refute testimony presented by the defense witnesses during direct examination. This process is called what?
    1. Voir dire
    2. Rebuttal
    3. Cross examination
    4. Direct examination
27. Which of the following is not a verdict that can be returned by the jury?
    1. Guilty
    2. Not guilty
    3. Hung jury (mistrial)
    4. Nolo contende
28. If the defendant is found guilty on a misdemeanor charge during the trial phase, who determines the punishment during the sentencing phase?
    1. Jury
    2. Judge
    3. Court clerk
    4. Attorney

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ circumstances are presented at the sentencing hearing and have the potential to decrease the punishment a person receives for the crime.
   1. Aggravating
   2. Mitigating
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ circumstances are presented and have the potential to increase the punishment a person receives for the crime.
   1. Aggravating
   2. Mitigating
3. Which defense to the prosecution claims that the defendant did not commit the crime?
   1. Self-defense
   2. Insanity
   3. Alibi
   4. Sleepwalking
4. Which defense to the prosecution claims the defendant cannot be held liable for his or her actions?
5. Self-defense
6. Insanity
7. Alibi
8. Twin law
9. Which defense to the prosecution claims that the defendant committed the crime but was justified in doing so?
   1. Self-defense
   2. Insanity
   3. Alibi
   4. Temporary insanity
10. Juveniles are eligible for bail.
    1. True
    2. False
11. Pretrial proceedings for juveniles are called what?
    1. Adjudication hearing
    2. Preliminary hearing
    3. Arraignment
    4. Grand jury
12. The trial phase of a juvenile trial is called what?
    1. Adjudication hearing
    2. Arraignment
    3. Preliminary hearing
    4. Grand jury