

# TEST

(rev. 11/08)

Circle the correct or better answer(s) below:

1. Proof is:
  - a. the totality of the evidence
  - b. the best evidence
  - c. evidence admitted at trial
  - d. evidence that convinces of a fact or the absence of a fact
  - e. all of the above
2. In our criminal justice system, a person is:
  - a. guilty until proven innocent
  - b. innocent until proven guilty
  - c. held without bail
  - d. tried by his peers
3. What is evidence given by a witness?
  - a. perjury
  - b. opening statement
  - c. testimony
  - d. hearsay
4. If a jury thinks that a witness has credibility, then they think that witness is:
  - a. good looking
  - b. well spoken
  - c. believable
  - d. motivated
5. A statement by an attorney expressing his disapproval of evidence offered by the other side is called:
  - a. an argument
  - b. hearsay
  - c. an objection
  - d. irrelevant
6. The person who presents the case against a person charged is called the:
  - a. defendant
  - b. defense lawyer
  - c. prosecutor
  - d. claimant
7. If you are charged with a crime, you:
  - a. must speak in your own defense
  - b. must speak or you are assumed to be guilty
  - c. must make a plea
  - d. may remain silent
8. A preliminary examination is also known as:
  - a. a trial
  - b. a hearing
  - c. an arraignment
  - d. an opening statement
9. When a lawyer first asks questions of his or her witness, we call that:
  - a. direct examination
  - b. cross examination
  - c. badgering the witness
  - d. leading the witness
  - e. case in chief
10. It is a general policy of the law that all hearsay testimony be excluded.

T or F

11. In a criminal case, who has the burden of proof?
- the prosecution
  - the defense
  - the jury
  - the judge
12. The first court hearing in a criminal trial is usually the:
- trial
  - preliminary examination
  - bail review
  - arraignment
  - arrest
13. The jury determination in a civil case must be unanimous. T or F
14. Which of the following are forms of evidence?
- exhibits
  - paper
  - testimony
  - proof
  - all of the above
15. When a jury determines guilt or innocence in a trial, it renders or presents its:
- decision
  - judgment
  - advisement
  - verdict
  - both (a) and (d)
16. The determination made by a judge is called a:
- judgment
  - verdict
  - decision
  - all of the above
  - none of the above
17. Direct evidence is more worthy evidence than circumstantial evidence. T or F
18. The duty to convince of the existence or non-existence of a fact is called:
- proof
  - case in chief
  - non-suit
  - burden of proof
  - always on the plaintiff
19. In a criminal case, the prosecution has the burden of proving guilt of the defendant by a preponderance of the evidence. T or F
20. A criminal jury is authorized to decide that a defendant is innocent. T or F
21. The parties in a civil jury trial may pick their trial judge T or F.
22. Where a judge knows a party or witness in an upcoming trial, the judge should withdraw from that case T or F.
23. After a jury in a civil case renders a final verdict awarding money damages, the trial judge has authority to reduce the amount of the award.

T or F

24. When a trial is conducted properly and all rules and procedures are followed, the result is likely to be:  
Accurate or Fair
25. It is generally permissible for a juror to use break or recess time to research questions arising from the trial that have not been answered satisfactorily.  
T or F
26. In a civil case, a party who is indigent has a right to an attorney appointed by the court.  
T or F
27. In a criminal case a defendant who is indigent has a right to an attorney appointed by the court.  
T or F
28. If a party to a lawsuit threatens a judge physically, the judge must withdraw from that case.  
T or F
29. There is only one circumstance covered by the California Probate Code where a party is allowed a jury trial.  
T or F
30. The primary reason for not having a jury trial in a divorce proceeding is the large expense that one or both parties must bear.  
T or F
31. Over 90 percent of all civil and criminal cases end by an agreement reached by the parties.  
T or F
32. A party in a civil case may excuse or challenge one judge.  
T or F
33. The prosecution in a criminal case has the right to demand a jury trial.  
T or F
34. Under the rules of venue (i.e. which court shall hear a case), the court where a civil case will be tried is the court where the first papers are filed.  
T or F
35. There is only one level of trial court under the rules of the State of California and that is the Superior Court.  
T or F