CRIMINAL EVIDENCE

TAKE HOME ASSIGNMENT #1

Multiple Choice

1. When the competence of a witness is challenged, the burden of showing the witness is competent, or incompetent, to testify rests with the
   a. attorney who called the witness.
   b. the opposing attorney.
   c. the judge.
   d. the jury.

2. If a young child is called to testify, competence is determined by questioning the child by the
   a. attorney who called the child.
   b. the opposing attorney.
   c. the judge.
   d. the jury.

3. At common law, no child under _____ years of age was eligible to testify as a witness.
   a. nine
   b. ten
   c. twelve
   d. fourteen

4. Today, all states have statutes that enable children as young as _____ years of age to appear as witnesses.
   a. three
   b. five
   c. seven
   d. eight

5. The phrase “voir dire” is French for
   a. able to understand.
   b. to know right from wrong.
   c. to speak the truth.
   d. protect the child.

6. It is up to the __________ to determine whether statements made by witnesses are to be believed and what weight to give them.
   a. the jury in all cases
   b. the judge in all cases
   c. the trier of facts in all cases
   d. the opposing attorney in all cases

7. The defendants right to an impartial jury is guaranteed by
   a. the First Amendment to the Constitution of the United States.
   b. the Fourth Amendment to the Constitution of the United States.
   c. the Fifth Amendment to the Constitution of the United States.
   d. the Sixth Amendment to the Constitution of the United States.
8. In determining the weight and credit to be given to the testimony of each witness, the trier of facts also uses their knowledge and
   a. experience.
   b. opinion.
   c. feelings.
   d. understanding of the law.

9. In a jury trial, the _____ is the sole judge of the credibility of all witnesses, including the defendant.
   a. jury
   b. judge
   c. prosecuting attorney
   d. defense attorney

10. The right of the defendant to have compulsory process for obtaining witnesses in his favor is provided by
    a. the First Amendment to the Constitution of the United States.
    b. the Fourth Amendment to the Constitution of the United States.
    c. the Fifth Amendment to the Constitution of the United States.
    d. the Sixth Amendment to the Constitution of the United States.

11. The witness not only testifies in open court in the presence of the accused, but is subject to
    a. cross-examination by the opposing party.
    b. cross-examination by the judge.
    c. cross-examination by the jury.
    d. cross-examination by the prosecutor.

12. The defendants right to testify in their own behalf is derived from
    a. the First and Fourteenth Amendment to the Constitution of the United States.
    b. the Fourth and Fourteenth Amendment to the Constitution of the United States.
    c. the Fifth and Fourteenth Amendment to the Constitution of the United States.
    d. the Sixth and Fourteenth Amendment to the Constitution of the United States.

13. Most witnesses who are called to testify about the firsthand information they have regarding the case before the court are
    a. ordinary or lay witnesses.
    b. good witnesses.
    c. expert witnesses.
    d. skilled witnesses.

14. For centuries, cross-examination has been considered one of the essential __________ of the accuracy and completeness of testimony given by a witness.
    a. rights
    b. safeguards
    c. test
    d. problems

15. Questions on redirect examination are
    a. unlimited.
    b. limited to matters that came up during cross-examination.
    c. can only be used to rehabilitate the witness.
    d. are limited to clarification the witnesses direct testimony.
True or False

16. The trial judge has an obligation to instruct the jury on the degree of weight to give to each witness testimony.

17. In most jurisdictions in the United States, the trial judge may comment on the weight of the evidence.

18. A fact is material if it will affect the result of the trial.

19. Most jurisdictions in the United States will permit the use of hypnotically refreshed testimony as evidence.

20. During the redirect examination, additional witnesses may be used to rebut the cross-examination and assist in rehabilitation.

21. Under the adversary system, objections to questions are the first line of defense against statements the opposing party seeks to use.

22. The opposing attorney as well as the trial judge may object to questions asked the witness.

23. The most effective defense to cross-examination is for a witness to testify truthfully and answer all questions.

24. In criminal cases, the government has the burden of proving the charges made against the defendant beyond a reasonable doubt.

25. The ordinary or lay witness is never allowed to give an opinion in a criminal trial.
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TAKE HOME ASSIGNMENT #1
ANSWER KEY

Answer all questions on this form only. Keep the Quiz and turn in this Answer key only.

NAME: __________________________

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