

CHAPTER 1 – The American Court System

Multiple Choice (2-6 per objective)

The federal and most states have how many levels of courts?

- a. 2
- b. 3
- c. 4
- d. 5

Answer: c

Objective: Explain the general structure of state and federal court systems

Page number: 4

Level: Basic

What law must every federal and state court abide by?

- a. federal law
- b. state law
- c. the United States Constitution
- d. There is no law that applies to both state and federal courts

Answer: c

Objective: Explain the general structure of state and federal court systems

Page number: 4

Level: Intermediate

Which level of court are small-population states less likely to have?

- a. Courts of final appeal
- b. Intermediate appellate courts
- c. Trial courts
- d. Minor courts

Answer: b

Objective: Explain the general structure of state and federal court systems

Page number: 4

Level: Difficult

Which level of court will rule on issues that arise in the pre-trial process?

- a. Minor courts
- b. Trial courts
- c. Intermediate appellate courts
- d. Courts of final appeal

Answer: b

Objective: Identify the four main levels of courts and describe the functions of each

Page number: 4

Level: Basic

What level of court is most likely to issue search warrants and hear summary criminal cases?

- a. Minor courts
- b. Trial courts
- c. Intermediate appellate courts
- d. Courts of final appeal

Answer: a

Objective: Identify the four main levels of courts and describe the functions of each

Page number: 4

Level: Intermediate

What is the primary purpose of an appellate court?

- a. To hear testimony and render verdicts
- b. To decide whether juries have rendered a proper verdict
- c. To judge criminal defendants guilty or innocent
- d. To make sure trial judges have done their job properly

Answer: d

Objective: Identify the four main levels of courts and describe the functions of each

Page number: 7

Level: Difficult

In most states, what court hears an appeal from a trial court?

- a. A minor court judge
- b. An intermediate appellate court
- c. A court of final appeal
- d. There is no appeal from a trial court

Answer: b

Objective: Explain the path of appeal in the federal and state court systems

Page number:

Level: Basic

If a defendant is acquitted at trial, how can that acquittal be appealed?

- a. It can't – there is no appeal from an acquittal
- b. By filing an appeal to the trial judge
- c. By filing an appeal to the intermediate appellate court
- d. By filing an appeal to the court of final appeal

Answer: a

Objective: Explain the path of appeal in the federal and state court systems

Page number: 7

Level: Intermediate

When can a state defendant appeal a conviction to the Supreme Court of the United States?

- a. When the crime can be punished by the death penalty
- b. When there is no intermediate appellate court in the state
- c. When the state court grants permission for the appeal
- d. When the case involves an issue of federal constitutional law

Answer: d

Objective: Explain the path of appeal in the federal and state court systems

Page number: 7

Level: Difficult

“Jurisdiction” refers to

- a. Whether a case is criminal or civil
- b. The stage of the proceedings a criminal case has reached
- c. The power of a court to hear a case
- d. Whether the case is being heard before a jury

Answer: c

Objective: Distinguish between the criminal jurisdiction of federal and state court systems

Page number: 8

Level: Basic

Federal courts have jurisdiction over what types of criminal cases?

- a. Those involving a violation of federal criminal law
- b. Those involving a violation of more than one state’s laws
- c. Those involving a violation of state law
- d. Those which can be punished by the death penalty

Answer: a

Objective: Distinguish between the criminal jurisdiction of federal and state court systems

Page number: 8

Level: Intermediate

The case of *Marbury v. Madison* created what power in the federal courts?

- a. The power to issue writs of *mandamus*
- b. The power to force executive officials to take certain actions
- c. The power to nullify acts of Congress as unconstitutional
- d. The power to create new state laws based on constitutional principles

Answer: c

Objective: Distinguish between the criminal jurisdiction of federal and state court systems

Page number: 11-12

Level: Difficult

An intermediate appellate court will decide an appeal based on what evidence?

- a. All of the evidence which was in the record before the trial court
- b. Testimonial evidence only
- c. Evidence presented to the appellate court by the parties
- d. No evidence at all

Answer: a

Objective: Describe the options open to an appellate court ruling on a trial judge's decisions.

Page number: 7

Level: Intermediate

In federal and most state courts, a convicted defendant has a right to file an appeal to what court?

- a. The intermediate appellate court only
- b. The intermediate appellate court and the court of final appeal
- c. The court of final appeal only
- d. None – the defendant must request permission before filing any appeal

Answer: a

Objective: Describe the options open to an appellate court ruling on a trial judge's decisions.

Page number: 7

Level: Intermediate

If a defendant commits an act which violates both state and federal law, which one has jurisdiction to prosecute him?

- a. the state court only
- b. the federal court only
- c. Both the state and federal court
- d. Either the state or federal court, but not both

Answer: c

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 16

Level: Intermediate

The Mann Act is an example of a statute that criminalizes

- a. conduct that takes place only in one state
- b. conduct that crosses state lines
- c. conduct against a federal officer
- d. conduct that takes place on federal property

Answer: b

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 16

Level: Basic

A defendant who commits internet fraud from a computer in California can be tried for that crime in Washington if what condition exists?

- a. The victim of the fraud lives in Washington
- b. The transmission of information between the defendant and the victim travels through Washington
- c. Someone in Washington accesses the internet
- d. No condition – only California could prosecute

Answer: a

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 5, 18

Level: Difficult

If an act is illegal under federal law but not state law, can the defendant be prosecuted for the act?

- a. No – state law controls whether or not the act is legal
- b. Yes – if the state permits federal officers to enforce the law within the state
- c. No – a federal law that illegalizes an act legal under state law is unconstitutional
- d. Yes – the federal law can be enforced regardless of the conflict with state law

Answer: d

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 19

Level: Difficult

The Rules of Evidence apply to what?

- a. the admissibility and use of evidence in a trial court
- b. the appeal of a criminal sentence
- c. the conduct of a crime scene investigation
- d. the selection of a jury in a criminal case

Answer: a

Objective: Contrast the scope and purpose of federal/state and local rules of court

Page number: 21

Level: Basic

In a criminal case being tried in federal court, what rules of court will apply?

- a. The federal rules evidence
- b. The court's local rules and the federal rules of evidence
- c. The federal rules of criminal procedure and the federal rules of evidence
- d. The federal rules of criminal procedure, the federal rules of evidence, and the court's local rules

Answer: d

Objective: Contrast the scope and purpose of federal/state and local rules of court

Page number: 21

Level: Intermediate

In the Federal Rules of Evidence, rules relating to relevance are found in what article?

- a. 3
- b. 4
- c. 8
- d. 9

Answer: b

Objective: Identify the key subject areas of the Federal Rules of Evidence

Page number: 291

Level: Basic

In the Federal Rules of Evidence, rules relating to relevance are found in what article?

- a. 8
- b. 1
- c. 4
- d. 6

Answer: a

Objective: Identify the key subject areas of the Federal Rules of Evidence

Page number: 303

Level: Basic

True-False (2-3 per objective)

Trial judges make decisions on the admissibility of evidence.

- a. True
- b. False

Answer: a

Objective: Explain the general structure of state and federal court systems

Page number: 4

Level: Basic

The federal court system has the same basic court structure as most state courts.

- a. True
- b. False

Answer: a

Objective: Explain the general structure of state and federal court systems

Page number: 4

Level: Intermediate

There is no right to appeal in states without intermediate appellate courts

- a. True
- b. False

Answer: b

Objective: Identify the four main levels of courts and describe the functions of each

Page number:

Level: Basic

Appellate courts determine whether errors were made by the trial judge that affected the outcome of the case.

- a. True
- b. False

Answer: a

Objective: Identify the four main levels of courts and describe the functions of each

Page number: 7

Level: Difficult

Trial courts never hear appeals from any other level of court.

- a. True
- b. False

Answer: b

Objective: Explain the path of appeal in the federal and state court systems

Page number: 8

Level: Basic

In small population states, appealing to the highest court in the state may be a matter of right rather than permission.

- a. True
- b. False

Answer: a

Objective: Explain the path of appeal in the federal and state court systems

Page number: 8

Level: Intermediate

Every state has at least one federal district court, some as many as four.

- a. True
- b. False

Answer: a

Objective: Distinguish between the criminal jurisdiction of federal and state court systems

Page number: 9

Level: Basic

State appellate courts, like federal appellate courts, are usually divided into regions that hear cases from particular counties or judicial districts.

- a. True
- b. False

Answer: b

Objective: Distinguish between the criminal jurisdiction of federal and state court systems

Page number: 13

Level: Intermediate

Generally, appellate courts can hear evidence that was not brought before the trial court.

- a. True
- b. False

Answer: b

Objective: Describe the options open to an appellate court ruling on a trial judge's decisions.

Page number: 13

Level: Basic

If an appellate court decides that evidence was excluded at trial that would have changed the outcome of the trial, it can take steps to correct that error.

- a. True
- b. False

Answer: a

Objective: Describe the options open to an appellate court ruling on a trial judge's decisions.

Page number: 7

Level: Difficult

A defendant who commits a crime in one state cannot be prosecuted for that same criminal act in any other state or in federal court.

- a. True
- b. False

Answer: b

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 16, 18

Level: Intermediate

In order to determine whether a crime committed in one state can be prosecuted in another state, it may be necessary to consult that other state's long-arm statute.

- a. True
- b. False

Answer: a

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 18-19

Level: Difficult

Local rules only apply to the court which creates them.

- a. True
- b. False

Answer: a

Objective: Contrast the scope and purpose of federal/state and local rules of court

Page number: 22

Level: Basic

If a court has local rules relating to evidence or criminal procedure, it does not need to following the state or federal rules.

- a. True
- b. False

Answer: b

Objective: Contrast the scope and purpose of federal/state and local rules of court

Page number: 22

Level: Intermediate

Federal Rules of Evidence are divided into sections called "Articles."

- a. True
- b. False

Answer: a

Objective: Identify the key subject areas of the Federal Rules of Evidence

Page number: 289

Level: Basic

Rules of evidence are going to vary widely from state to state, and between state and federal courts.

- a. True
- b. False

Answer: b

Objective: Identify the key subject areas of the Federal Rules of Evidence

Page number: 22

Level: Intermediate

Fill in the blank (1-2 per objective)

Trial courts decide _____ issues that arise during the course of a trial.

Answer: legal

Objective: Explain the general structure of state and federal court systems

Page number: 4
Level: Basic

Federal courts have the final authority to determine if federal laws are _____.

Answer: constitutional

Objective: Explain the general structure of state and federal court systems

Page number: 10

Level: Intermediate

Courts that hear appeals from lower courts are known as _____ courts.

Answer: appellate

Objective: Identify the four main levels of courts and describe the functions of each

Page number: 7

Level: Basic

An appellate court decides whether an error occurred based on the _____ created in the trial court.

Answer: record

Objective: Explain the path of appeal in the federal and state court systems

Page number: 7

Level: Intermediate

In order to take a case to the United States Supreme Court, that court must issue a writ of _____.

Answer: certiorari

Objective: Explain the path of appeal in the federal and state court systems

Page number: 12

Level: Difficult

State courts can only hear criminal cases involving the violation of _____ criminal laws.

Answer: state

Objective: Distinguish between the criminal jurisdiction of federal and state court systems

Page number: 13

Level: Intermediate

The Federal Supplement contains opinions issued by judges in the United States _____ Courts.

Answer: District

Objective: Distinguish between the criminal jurisdiction of federal and state court systems

Page number: 9

Level: Intermediate

Appellate courts will not take any action to correct the decision of a trial judge unless that decision is _____.

Answer: prejudicial

Objective: Describe the options open to an appellate court ruling on a trial judge's decisions.

Page number: 7

Level: Intermediate

A prosecution for federal and state crimes arising from a single criminal act does not violate a defendant's protection against double _____.

Answer: jeopardy

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 16

Level: Difficult

A long-arm statute gives one state court _____ over crimes committed in another state.

Answer: jurisdiction

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 18

Level: Intermediate

Rules that apply solely within a particular state or federal court are known as _____ rules.

Answer: local

Objective: Contrast the scope and purpose of federal/state and local rules of court

Page number: 22

Level: Basic

Competence is a subject covered under Article _____ of the Federal Rules of Evidence.

Answer: Six

Objective: Identify the key subject areas of the Federal Rules of Evidence

Page number: 297

Level: Basic

Matching (1-2 per objective)

Match the court or concept listed in Column 1 to its description in Column 2

Column 1	Column 2
1. Supreme Court	a. Process for returning fugitive from one

	state to another
2. Judiciary Act of 1789	b. Can hear appeals from state courts on federal constitutional issues
3. U.S. District Court	c. May hear appears from minor courts
4. U.S. Circuit Court of Appeals	d. Hears appeals from district courts in states and territories
5. U.S. Supreme Court	e. These apply to criminal trials along with Rules of Evidence
6. Jurisdiction	f. Each state has at least, some as many as four
7. Extradition	g. Court of last resort in most states, but the trial court in New York
8. Trial courts	h. Contains federal opinions relating to Rules of Evidence
9. Rules of Criminal Procedure	i. Federal courts have this when federal criminal law is violated
10. Federal Rules Decisions	j. Created federal court system

1. g
2. j
3. f
4. d
5. b
6. i
7. a
8. c
9. e
10. h

Essay (1 per objective)

How did Marbury v. Madison change the power of the federal courts?

Answer: The decision ruled that federal courts have the sole power to interpret the Constitution, and therefore had the power to rule acts of Congress unconstitutional.

Objective: Distinguish between the criminal jurisdiction of federal and state courts.

Page number: 11

Level: Intermediate

Explain how a defendant can be prosecuted for violating two criminal statutes even though he commits only one criminal act.

Answer: A single criminal act may have an impact in another state, which would bring the act under that state's long-arm statute, resulting in a prosecution if the act violated that state's criminal law. Also, federal and state criminal laws both apply to the defendant, and his/her act could be a violation under both set of laws.

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 16

Level: Intermediate

Explain the path of the appeal of a conviction in the federal court system.

Answer: The defendant has an absolute right to appeal his/her conviction to the United States Circuit Court of Appeals for the circuit where the district court is located. If the defendant loses his/her appeal, he/she can request a writ of certiorari from the United States Supreme Court. If the writ is granted, the appeal will be heard.

Objective: Explain the path of appeal in the federal and state court systems.

Page number: 8-10

Level: Difficult

Explain how state court cases end up being heard by the U.S. Supreme Court (e.g., *Roe v. Wade*)

Answer: When a conviction in state court has been appealed to the court of final appeal within that state, the defendant can request a writ of certiorari if the case involves an issue of federal constitutional law. If the writ is granted, the United States Supreme Court will hear the appeal on the issue of federal constitutional law.

Objective: Explain the path of appeal in the federal and state court systems.

Page number: 7

Level: Intermediate

Critical thinking/discussion

Discuss some legal principles that would be useful to prosecutors in enforcing their state's criminal law?

Answer: Can include discussions of jurisdiction over internet crimes, long-arm statutes, and extradition

Objective: Explain the interplay between federal and state court jurisdictions

Page number: 5-6, 16-19

Level: Intermediate