

Free mid term exam case study sample

[Law](#), [Evidence](#)



Section I. Circle the letter of the most appropriate answer.

1. In *Griswold v. Connecticut* the Supreme Court found that Connecticut's statute, which banned contraceptives, violated a freedom expressly protected by which of the first ten amendments of the Constitution of the United States:

- a. The First Amendment.
- b. The Fifth Amendment.
- c. The Fourth Amendment.
- d. None of the above.

2. "Substantive due process" refers to those procedures:

- a. that are expressly enumerated within the four corners of the United States Constitution.
- b. that are not expressly enumerated by the Constitution but held to be essential to the concepts of freedom and equality in a democratic society and implicitly provided by the Bill of Rights.
- c. are created by judicial authority of the United States Circuit Court of Appeals.
- d. are created by express acts of the United States Congress.

3. Which case ruled that a defendant is entitled to effective assistance of counsel in all but minor criminal prosecutions?

- a. *Betts v. Brady*.
- b. *Duncan v. Louisiana*.
- c. *Brady v. Maryland*.
- d. *Strickland v. California*.

4. Discretionary appeals are those appeals:

- a. deemed mandatory by the state's legislature.
 - b. required by the 9th Amendment.
 - c. granted only upon the approval of the appellate court that will hear it.
 - d. that may only be filed by indigent defendants.
5. Which case held that pervasive pre-trial publicity could interfere with a defendant's opportunity to receive a fair trial?
- a. Pointer v. Texas.
 - b. Griffin v. Illinois.
 - c. Shephard v. Maxwell.
 - d. Thompson v. Board of Regents.
6. Brady v. Maryland ruled that a defendant was entitled to:
- a. Any evidence the prosecution knows about.
 - b. The state has to provide the defense the criminal records of all witnesses.
 - c. The state must provide the defense all evidence that is material to the question of guilt or punishment and is exculpatory.
 - d. None of the above.
7. The process that the Supreme Court has utilized to apply the guarantees and freedoms of the Bill of Rights to the states is known as:
- a. direct application.
 - b. absolute appropriation.
 - c. guaranteed protection.
 - d. selective incorporation.
8. The procedural guarantees of rights and privileges governing the denial of life, liberty and property expressly provided by the Bill of rights, as applied to the states through the 14th Amendment are referred to as:

- a. substantive due process.
- b. proprietary due process.
- c. parliamentary procedure.
- d. procedural due process.

9. Which of the following cases recognized a “ right of privacy” guaranteed by the United States Constitution?

- a. County of Riverside v. McLaughlin.
- b. Griswold v. Connecticut.
- c. Duncan v. Louisiana.
- d. Thompson v. Board of Regents.

10. In Batson v. Kentucky, the court’s ruling was based on which clause of the 14th amendment:

- a. The due process clause.
- b. The equal protection clause.
- c. a. and b. above.
- d. None of the above.

Section II. Indicate with the appropriate letter whether each of the following statements are True (T) or False (F).

T 1. The states are required to provide all defendants at least one level of appeal from an adverse jury verdict.

F 2. A defendant is not entitled to have counsel appointed if his sentence is ultimately suspended.

F 3. A defendant has the right to the assistance of counsel with an automatic appeal.

T 4. Powell v. Alabama established the right to assistance of counsel for all

defendants at any critical stage of a criminal prosecution.

_F_5. A defendant must be allowed to remain in the courtroom to confront witnesses even if he continually disrupts the proceedings.

_T_6. In Gideon v. Wainwright the Supreme Court held that the 6th and 14th amendments require that defendants are entitled to assistance of counsel in non-capital cases as well as capital cases.

_T_7. Douglas v. California requires that a defendant be provided appointed counsel to assist with an appeal to the United States Supreme Court.

_T_8. If a prosecutor exercises a preemptory challenge to exclude a juror that is of the same race as the defendant, and his race places him in a protected class, he must be able to show that the juror was excluded for a race neutral reason.

_F_9. Prior testimonial evidence may always be introduced against a defendant if the witness that made the statement is unavailable.

_T_10. The right to counsel emanates from the 6th amendment and is applied to the states through the 14th amendment.

_T_11. The right to a jury trial has been deemed a fundamental right by the U. S. Supreme Court.

_F_12. The prosecution is not required to disclose evidence to the defendant unless it will be used at trial, even if it is exculpatory.

_T_13. The “ right to privacy” was found by the Supreme Court to be implicit in the penumbras of the 1st, 4th, 5th, and 9th amendments.

_T_14. Procedural due process is equivalent to equal protection.

_F_15. Our Bill of Rights explicitly sets out a right to privacy.

Section III. Fully discuss the following, on separate paper, citing any Supreme

Court cases that support your answers.

- On July 6, 2010 The First and Ten National Bank was robbed by two individuals wielding semi-automatic pistols. One of the perpetrators (Harry Weasley) wore a Hilary Clinton mask, and the other (Ronald Potter) wore a Sarah Palin mask. Each also wore long coats and loose sweaters, which made it difficult to identify their gender although each of their voices sounded masculine. Weasley instructed all of the patrons to lie on the floor and be quiet while Potter instructed a teller to fill a reusable Target grocery bag with the money from all of the cash drawers. As he leaned over the counter to observe the teller, Potter's mask fell off exposing his face to the security camera for approximately 30 seconds. When the bag was filled the robbers fled the scene and were seen driving away in a white 1983 Dodge van.

Veteran Detective Maria Portobello recognized Potter from a previous investigation when she watched the tape from the security camera. An informant provided the detective with Potter's address, so she requested an arrest warrant and went to Potter's residence to arrest him. Potter was found alone inside his mobile home in the Blue Ribbon Trailer Park, and was arrested without incident. At the time of his arrest, less than 24 hours after the robbery, his hands were covered in red dye.

Subsequent to his arrest, Potter consented to a search of his residence and his vehicle, a white 1983 Dodge van, which was parked in the van.

Inside the van the officers found a reusable Walmart bag, which was covered with a red dye on the inside similar to that from dye bombs bank tellers often slip in with stolen money. They also found a receipt dated July 5, 2010 from a costume store near the Blue Ribbon trailer park. The receipt

described the items purchased as two political celebrity masks. During a recorded interrogation conducted by Detective Portobello, Potter admitted his part in the robbery and implicated Weasley. Potter agreed to testify against Weasley in exchange for reduced jail time.

- When Weasley's case came to trial, jury selection began and Prosecutor Marty McFly attempted to use his preemptory challenges to exclude two Indian-American citizens from the jury. These were the only two Indian-Americans in the jury pool. Weasley's attorney Perry Burr objected. Upon inquiry from the Judge, McFly stated that he struck these two jurors because they were obviously Hindu and that Hindus could have no understanding of an American judicial system that was based on Judeo-Christian beliefs and Anglo-American law. Weasley is Caucasian. Should the Judge allow McFly to use his challenges in this manner? Why or Why not?

No, the Judge should not allow McFly to use his preemptory challenge to eliminate the two Indian-American citizens from the jury pool. McFly merely assumed that the two jurors are religious followers of Hinduism, based on their race, rather than factual information. He used what he had assumed their religion was in order to try and eliminate them, using only their race as supposed evidence, which is not technically actual proof that these people are in fact Hindu. A similar occurrence happened in 1986 during the *Batson v. Kentucky* case, where a black juror was eliminated because they were wearing a cross, indicating they were of a Christian background. In this case, the person's religion was obvious because they were wearing a religious artifact to expose their personal beliefs.

- Once the trial got under way, McFly announced that Ronald Potter had

recently passed away in prison from a rare but fatal allergic reaction to highly processed inexpensive lunch meat. Tragic circumstances that rendered him unable to testify. He proposed instead to present his testimony in the form of the tape recording of Portobello's interrogation of Potter. Burr objects. Should the judge allow the testimony? Why or why not?

Yes, the Judge should allow the testimony in the form of the tape recordings because it is still considered to be valid evidence against Potter and Weasley. Although it would be more preferable to have Potter present for the testimony, the tape recordings can still serve as evidence in the case.

- When testimony begins, Burr hears for the first time that the grocery bag discovered in Potter's van is different from the one described by the witnesses at the bank as the one the teller filled with cash. He moves for a mistrial because the state had not previously told him this. Should the judge grant his motion? Why or why not?

Yes, the Judge could grant the motion for a mistrial because the defense was never made aware of this undisclosed evidence. Due process requires that the defense be made aware of any and all evidence prior to the trial, so that they may build up their arguments to defend their client both properly and fairly. *Bellfield v. Commonwealth* (1974) was a similar case in which the suppression or withholding of evidence by the prosecution favorable to the defendant was a violation of due process.

- Halfway through the trial, Weasley becomes extremely upset with Burr, and immediately requests that he be allowed to represent himself throughout the rest of the trial. When his request is denied, he stands and shouts, hurling expletives at Burr, the Judge, McFly, the witnesses and everyone that can

hear him. Despite repeated admonitions from the Judge he refuses to quiet down and let the trial proceed in a civil manner. What should the Judge do and why?

In this case, the Judge can remove the defendant from the courtroom if they continue their disruptive behavior. The only times that a defendant is required to be in the courtroom is for the initial appearance, initial arraignment and the plea, jury empanelment, return of the verdict, and sentencing. If the defendant is warned that they will be removed for disruptive behavior, and the behavior continues, they are waiving their right to continued presence during the trial. A similar case in which this occurred was *Illinois v. Allen* (1970).