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

**Appeal and Postconviction Review Exam**

\_\_\_\_\_1. An appeal is a request to a higher court to review and change the decision of a lower court.

1. True
2. False

\_\_\_\_\_2. Trial courts are the types of courts that defendants can appeal to.

1. True
2. False

\_\_\_\_\_3. In an appeal, defendants argue that their \_\_\_\_\_\_\_\_\_\_\_has been affected.

1. Impartial Trial
2. Substantial Right
3. lmpartial Right
4. Perfect Trial

\_\_\_\_\_4. In an appeal, what will the appellate court not do?

1. Order a new trial
2. Let the defendant go
3. Uphold the original verdict
4. None of the above

\_\_\_\_\_5. John is found guilty of drug trafficking. He insists his actions were misinterpreted by law enforcement. The appellate court does not agree with him and upholds the original verdict. John wants to know if there is anything else he can do. You are his defense attorney. What will you tell him?

1. There is nothing that can be done. He must accept the verdict.
2. He can appeal to a higher court
3. He can take his case back to the lower court to see if they will retry him.
4. A or C only

**Matching:**

\_\_\_\_\_6. When does an appeal take place?

\_\_\_\_\_7. When can the appeals process begin?

\_\_\_\_\_8. Within how many days does an appeal usually have to be filed?

1. When the trial court enters a final judgment
2. 7 to 10 days
3. The day of the verdict

\_\_\_\_\_9. Jake has been found guilty of burglary. You are his attorney and he insists that he is innocent. What paper must you file on his behalf to start the appeal process?

1. Appeal notification
2. Notification of appeal
3. Notice to appeal
4. Notice to appeal very soon

\_\_\_\_\_10. You are the defense attorney for Katherine who has just been found guilty by a jury of assault. You disagree with the verdict. What can you specifically ask the judge to do?

1. Overturn the jury’s verdict
2. Examine the trial transcript to see what illegal objections or moves the prosecution made during the trial
3. Tell the jury to reconsider
4. Nothing
5. a or c only

\_\_\_\_\_11. You eventually get a new trial for Katherine and the judge who hears the case finds her guilty. What can you specifically ask the judge to do?

1. Modify his verdict
2. Examine the trial transcript to see what illegal objections or moves the prosecution made during the trial
3. Order a new trial
4. Nothing
5. a or c only

\_\_\_\_\_12. Select the correct chronological order of the appeal process.

1. 1) The appellate court sets a schedule about when briefs are due and when oral arguments are to be made
   1. The appellate court makes a decision after a few days, weeks, or even months
   2. Briefs are submitted and oral arguments are made
   3. The defendant files a notice of appeal
2. 1) The defendant files a notice of appeal
   1. Briefs are submitted and oral arguments are made
   2. The appellate court sets a schedule about when briefs are due and when oral arguments are to be made
   3. The appellate court makes a decision after a few days, weeks, or even months
3. 1) The defendant files a notice of appeal
   1. The appellate court sets a schedule about when briefs are due and when oral arguments are to be made
   2. Briefs are submitted and oral arguments are made
   3. The appellate court makes a decision after a few days, weeks, or even months
4. 1) The appellate court sets a schedule about when briefs are due and when oral arguments are to be made
   1. The defendant files a notice of appeal
   2. The appellate court makes a decision after a few days, weeks, or even months
   3. Briefs are submitted and oral arguments are made

\_\_\_\_\_13. Your client Jenna, who you are filing an appeal on behalf of, believes that she remembers a witness for the prosecution on her trial say something that would give her good reason to have her verdict overturned. What will you need to get that would have been produced at the trial that will help you verify what Jenna believes?

1. A diary
2. A video
3. A transcript
4. A recording

\_\_\_\_\_14. As a defense attorney, what are you going to prepare for the prosecution that will refer to specific parts of the trial, so they can properly respond to your arguments, and that the prosecution will likewise prepare for you?

1. A summary
2. A brief
3. An appeal
4. A complaint

\_\_\_\_\_15. How many types of the above answer are there usually?

1. One
2. Two
3. Three
4. Four

\_\_\_\_\_16. The lawyers will always appear before the appellate court to present their side.

1. True
2. False

\_\_\_\_\_17. What specifically do appellate court judges base their rulings on?

1. The trial court record
2. The evidence
3. The police report
4. The arguments of the attorneys

\_\_\_\_\_18. What does the answer to the above question not include?

1. A transcript of testimony
2. Things admitted into evidence
3. Each side’s arguments
4. A statement of sorrow by the defendant
5. Information that each side unsuccessfully sought to introduce into evidence

\_\_\_\_\_19. Sam is your client and he has been found guilty of murder. You are appealing his case to the appellate court judges. What will they not consider about Sam’s case?

1. The fingerprints on the gun that the jury was not allowed to examine
2. The creditability of the prosecution’s expert witness
3. The misleading statements of the prosecution during the closing statement
4. The perjury of one of the prosecution’s witnesses

\_\_\_\_\_20. What would you have done during the trial to have helped Sam’s chance of an appeal?

1. Shown how Sam’s testimony about his whereabouts at the time of the murder align with the department store surveillance video at the location where he said he was at the time of the murder
2. Asked the witnesses to clarify what they meant when they demonstrated gestures with their body language
3. Made all legitimate objections and arguments
4. All of the above

\_\_\_\_\_21. What is an example on which defendants would have grounds to appeal?

1. New evidence was discovered after the trial
2. The jurors engaged in misconduct or the judge gave the jury improper instructions
3. The judge or prosecutor committed an important legal error
4. Scientific evidence was not available at the time of the trial that would prove the defendant innocent
5. All of the above

\_\_\_\_\_22. What kind of trial is a person entitled to?

1. A perfect one
2. A good one
3. A fair one
4. A decent one

\_\_\_\_\_23. Very few of the errors in a trial are deemed harmless by an appellate court.

1. True
2. False

\_\_\_\_\_24. Your client has no grounds for an appeal. You have one option left that will get your client a new trial. This would be an order from a higher court to the court your client was tried in saying that your client must have a new trial. What is it you are hoping the higher court will agree upon and give?

1. A command
2. A recommendation
3. A writ
4. A reprimand

\_\_\_\_\_25. Defendants are entitled to an appeal when the defense did not lodge a timely objection.

1. True
2. False

\_\_\_\_\_26. Defendants are not entitled to an appeal when the matter of issue concerns something that goes beyond the trial record.

1. True
2. False

\_\_\_\_\_27. Defendants are entitled to an appeal when a final judgment has not yet occurred, but they need relief at once to prevent an injustice or unnecessary expense.

1. True
2. False

\_\_\_\_\_28. Defendants are entitled to an appeal when the matter is urgent.

1. True
2. False

\_\_\_\_\_29. Defendants are not entitled to an appeal when they have already unsuccessfully appealed their case.

1. True
2. False

\_\_\_\_\_30. Defendants are entitled to an appeal when the matter of issue concerns something that goes beyond the trial record.

1. True
2. False