**Rules of Discovery and Privileged Communication Exam**

Matching:

*Use the following scenario to answer questions 1 to 6*.

You are a defense attorney and you have a new client who walks into your office and wants you to represent him in court. His case is complicated and other lawyers have turned him down. But he believes you will do a great job in defending him. You agree to represent him.

1. Jencks Act
2. Alibi
3. Bill of particulars
4. Deposition
5. Defendant’s criminal record
6. Brady Doctrine

\_\_\_\_\_ 1. You find out that the case your client is involved in has also become part of a lawsuit, and that one of your client’s friends testified in an earlier preliminary hearing for the lawsuit that showed the innocence of your client. This friend has since passed away. What is the type of testimony called that you will ask the judge to allow in the trial?

\_\_\_\_\_ 2. You believe your client may be innocent based on exculpatory evidence. What applies to getting this evidence admitted into the trial?

\_\_\_\_\_ 3. Your client doesn’t know all of the details of his charges. What applies to what you are going to need in order to find out this information?

\_\_\_\_\_ 4. You are examining the government’s case against your client and the witnesses they have. You want to see if the government’s witnesses’ testimonies are consistent with what they told police during the investigation before the trial. What are you going to rely on to find this information out?

\_\_\_\_\_ 5. There is also something that the prosecutors must furnish you about the defendant that will help you tell what kind of person you are representing. What is it?

\_\_\_\_\_ 6. Your client says he was at home playing cards when the crime he is charged with occurred and he has witnesses who can back this story up. He also says he ordered a boxing match on cable television for his friends to watch. You must give the prosecution prior notice of this story so they can investigate its legitimacy. What is this?

Multiple Choice:

\_\_\_\_\_ 7. What is a defendant’s account of what they were doing when the crime they are charged with occurred to show that they did not commit the crime?

1. Jencks Act
2. Freedom of Information Laws
3. Alibi
4. Privileged Communications

\_\_\_\_\_ 8. What is a detailed, formal, written statement of charges or claims by a plaintiff or the prosecutor, given upon the defendant’s formal request to the court for more detailed information?

1. Discovery
2. Bill of Particulars
3. Deposition
4. Exculpatory

\_\_\_\_\_ 9. What kind of evidence tends to prove a defendant’s innocence?

1. Discovery
2. Bill of Particulars
3. Deposition
4. Exculpatory

\_\_\_\_\_10. What allows the defendant to see if the witness’ testimony is inconsistent with what they told police before trial?

1. Jencks Act
2. Freedom of Information Laws
3. Alibi
4. Privileged Communications

\_\_\_\_\_11. What is the process of exchanging information between the prosecution and defense?

1. Discovery
2. Bill of Particulars
3. Deposition
4. Exculpatory

\_\_\_\_\_12. What sometimes occurs between certain types of people that are confidential and cannot be revealed in court proceedings?

1. Jencks Act
2. Freedom of Information Laws
3. Alibi
4. Privileged Communication

\_\_\_\_\_13. What allows the public access to government records?

1. Jencks Act
2. Freedom of Information Laws
3. Alibi
4. Privileged Communications

\_\_\_\_\_14. What is oral testimony given under oath, not in court, and done frequently in civil cases?

1. Discovery
2. Bill of Particulars
3. Deposition
4. Exculpatory

\_\_\_\_\_ 15. When concerning statements of the defendant, the government must allow the defendant to inspect, copy, or photograph which of the following?

1. All prior relevant and recorded statements made by the defendant II. Statements the defendant made to the grand jury
2. Statements made by the defendant whether or not they are used in trial IV. Oral evidence that the police may testify about concerning what the defendant said
   1. I
   2. I, II
   3. I, III
   4. I, II, IV
   5. II, III, IV
   6. I, II, III
   7. II, III, IV
   8. I, II, III, IV

\_\_\_\_\_16. Defendants are entitled to inspect and copy photographs, books, tangible objects, papers, buildings, and places of the government if

1. The item is material to preparation of the defendant’s defense

II. The item is going to be used by the government at the trial

III. The item was obtained from, or belongs to, the defendant

1. I
2. I, II
3. I, III
4. I, II, IV
5. I, III, IV
6. I, II, III
7. II, III, IV
8. I, II, III, IV

\_\_\_\_\_17. The prosecution may inspect the belongings of the defendant only if they are going to be used at trial.

1. True
2. False

\_\_\_\_\_18. In your client’s case, he went to the hospital where numerous tests were done. Which of the following does the prosecutor not have to turn over to you?

1. Conclusions of mental examinations of defendant

II. Autopsy reports

1. Blood tests

VI. DNA tests

VII. Ballistic tests

VIII. Other related examinations

IX. It all has to be turned over

1. I – VIII
2. I, II, III
3. I, III, V
4. I – V
5. I, III, IV
6. I, II, VIII
7. II, III, IV
8. I, IV, VII
9. I – VI, VII, VIII
10. V
11. VI, VII, VIII
12. IX

\_\_\_\_\_19. Fingerprinting and photographing of the defendant can be constitutionally required in all crimes.

1. True
2. False

\_\_\_\_\_20. What can your client be ordered to give?

1. Handwriting samples
2. Blood samples
3. Both a and b
4. None of the above

\_\_\_\_\_21. How many exemptions are there to the Freedom of Information Act?

1. 1
2. 3
3. 5
4. 7
5. 9

\_\_\_\_\_22. A defendant tells his lawyer about his involvement in a crime he is charged with. The lawyer later finds out about some evidence that the police missed at the crime scene that would prove his client guilty. The lawyer obtains the evidence and disposes of it. This information is discovered by the prosecutor. The prosecutor wants the defendant’s lawyer to testify about this. What will the judge rule?

1. The lawyer must testify
2. The lawyer does not have to testify

\_\_\_\_\_23. A man commits a crime and tells his wife the details about it. The prosecution wants this information to be revealed at trial. What will the judge rule on this?

1. It must be revealed
2. It does not have to be revealed

\_\_\_\_\_24. A defendant’s lawyer wants a detective to testify at trial about information that would show his client is innocent. In a preliminary hearing the detective shows that revealing this information will comprise a current case he is working on including undercover officers’ identities and investigative techniques. What will the judge rule on this?

1. The detective must testify about the information
2. The detective does not have to testify about the information

\_\_\_\_\_25. A defendant has a medical checkup around the time he commits a crime. The prosecutor believes information that was discovered about the defendant at the checkup will show the defendant’s guilt. The prosecutor wants the doctor and the nurse who attended to the defendant at the checkup to testify about the defendant’s health at the checkup. What will the judge rule on this?

1. They can testify
2. They cannot testify

\_\_\_\_\_26. A man commits a crime and tells his girlfriend whom he is close to about it. The prosecution wants this information to be revealed at trial. What will the judge rule on this?

1. It must be revealed
2. It does not have to be revealed

\_\_\_\_\_27. A defendant has a medical checkup around the time he is charged with a crime. The defendant believes the information discovered in the checkup will help show that he did not commit the crime. The defendant wants the doctor and nurse who attended to the defendant at the checkup to testify. What will the judge rule on this?

1. They can testify
2. They cannot testify

\_\_\_\_\_28. Let’s say the defendant can allow the doctor and the nurse to testify but he doesn’t want the prosecutor to ask them questions. What will the judge rule on this?

1. They must answer questions from the prosecutor
2. The prosecutor is not allowed to ask them questions

\_\_\_\_\_29. A defendant tells his lawyer the truth about his involvement in a crime. The prosecutor wants this information revealed at trial. What will the judge rule on this?

1. It must be revealed
2. It does not have to be revealed

\_\_\_\_\_30. A wife commits a crime against her husband. The prosecution wants the husband to testify against the wife at trial. What will the judge rule on this?

1. The husband must testify
2. The husband does not have to testify

\_\_\_\_\_31. A defendant is charged with a crime. During this time he is meeting with his priest regularly for counseling and confession. The prosecutor wants the priest to testify about what the defendant has confessed to. What will the judge rule?

1. The priest must testify
2. The priest does not have to testify

\_\_\_\_\_32. A defendant emails a lawyer about his criminal charges and admits his involvement in the case. The prosecutor wants the email to be revealed at trial. What will the judge rule on this?

1. It must be revealed
2. It does not have to be revealed

\_\_\_\_\_33. A military serviceman is charged with a crime. It involves the death of his friend. The defense claims that the friend kept a journal that would have documentation proving how the serviceman would never have had involvement in his death. The journal also contains sensitive national security information that would be revealed in the process and the government does not want this journal to be allowed in the trial. What will the judge rule on this?

1. The journal must not be allowed in the trial
2. The journal can be allowed in the trial