

Grader's Comments for  
February 2014 Criminal Procedure & Evidence Exam

1. This question required examinees to demonstrate knowledge of the procedures governing bail and, in particular, of the factors warranting the denial of bail. Many examinees demonstrated such knowledge. A common mistake was discussing the factors for the amount of bail.
2. This question called upon examinees to demonstrate knowledge of examining trials and, in particular, of the purpose of an examining trial, which most examinees did.
3. This question called upon examinees to demonstrate knowledge of grand jury proceedings and, in particular, of the warnings given to a suspect prior to questioning before the grand jury. Many examinees correctly identified one or two of the required warnings. A common mistake was discussing the warnings given before acceptance of a guilty plea.
4. This question required examinees to demonstrate knowledge of grand jury proceedings and, in particular, of the persons who can question a witness appearing before the grand jury. Most examinees correctly identified one person permitted to conduct such questioning.
5. This question called upon examinees to demonstrate knowledge of the procedures governing indictments and, in particular, of an accused's right to be charged by a grand jury indictment. Many examinees recognized the existence of such a right, although fewer stated why it applied.
6. This question required examinees to demonstrate knowledge of the procedures governing indictments and, in particular, of the language required at the commencement and conclusion of an indictment. Many examinees did not demonstrate such knowledge. However, some examinees correctly identified the language required to be used at either the commencement or the conclusion of the indictment.
7. This question called upon examinees to demonstrate knowledge of the procedures governing discovery and, in particular, of the procedure governing disclosure of the name and address of a testifying expert. Most examinees demonstrated such knowledge.
8. This question required examinees to demonstrate knowledge of the procedures governing error preservation at trial and, in particular, of the appropriate procedural steps to take to prevent introduction of evidence and to preserve an issue for appeal. Most examinees correctly identified at least one or two steps.
9. This question called upon examinees to demonstrate knowledge of the procedures governing guilty pleas and, in particular, of the admonishments required. Most examinees correctly identified one or two of the required admonishments.
10. This question required examinees to demonstrate knowledge of the procedures governing sentencing and, in particular, of the requirements to be eligible for probation. Many examinees correctly identified at least one requirement.
11. This question called upon examinees to demonstrate knowledge of the procedures governing continuances and, in particular, a motion for a continuance. Many examinees fully demonstrated such

knowledge. Others correctly identified the procedural step to take and at least one or two of the matters that must be shown in the motion.

12. This question required examinees to demonstrate knowledge of the procedures governing joinder and, in particular, the joinder of defendants for trial. Although most examinees did not demonstrate such knowledge, some did demonstrate knowledge of a basis to argue against joinder.

13. This question called upon examinees to demonstrate knowledge of the procedures governing jury selection and, in particular, of jury shuffles. Many examinees demonstrated such knowledge. A common mistake was misunderstanding the right to have the jury shuffled once.

14. This question required examinees to demonstrate knowledge of the procedures governing voir dire and, in particular, of challenges for cause. Most examinees demonstrated such knowledge.

15. This question called upon examinees to demonstrate knowledge of the rules of evidence in criminal actions and, in particular, of the rule governing certain testimony by an inmate. Many examinees knew whether corroboration was required, but only a few examinees knew why. A common mistake was focusing on accomplice testimony.

16. This question called upon examinees to demonstrate knowledge of the Texas Rules of Evidence and, in particular, of the rules governing impeachment with a prior conviction. Many examinees knew how the trial court should rule on the objection, but fewer knew why. A common mistake was misunderstanding crimes of moral turpitude.

17. This question required examinees to demonstrate knowledge of the Texas Rules of Evidence and, in particular, of the provisions governing a defendant's voir dire examination of the State's expert before he testifies in front of the jury. Most examinees demonstrated such knowledge. Common mistakes were misunderstanding the meaning of "voir dire," focusing on pretrial depositions, or discussing challenges during cross-examination.

18. This question required examinees to demonstrate knowledge of the Texas Rules of Evidence and, in particular, of the spousal privilege and the person who has the right to exercise it. Most examinees demonstrated such knowledge.

19. This question called upon examinees to demonstrate knowledge of the procedures governing motions and, in particular, of the procedures governing motions to quash an indictment. Many examinees knew whether the motion to quash was timely and discussed the correct deadline for filing it. A common mistake was discussing jury deliberations or the jury's verdict.

20. This question called upon examinees to demonstrate knowledge of the procedural step for challenging the sufficiency of the evidence, which many examinees did. A common mistake was naming procedural steps that are unique to civil trials.