Introduction: Problems

Question 1 - In a civil assault case, the plaintiff introduces a blood-stained golf club that she claims the defendant used to beat her. The club is:

A. Demonstrative evidence.
B. Real evidence.
C. Oral eyewitness testimony.
D. Stipulated evidence.

Question 2 - Defendant is being prosecuted for possessing narcotics with the intent to sell. The prosecutor introduces a plastic bag of powdered sugar and asks the police detective on the witness stand to use the sugar to show how the defendant packaged the narcotics. The bag of sugar is:

A. Eyewitness evidence.
B. Expert evidence.
C. Real evidence.
D. Demonstrative evidence.

Question 3 - A small software company sues three larger competitors, claiming that they violated price-fixing laws by intentionally agreeing to sell products at the same price. The small company introduces pricelists distributed by the three competitors. The three pricelists each advertise fifty different products at varying costs; each product, however, carries the same price on all the three lists. The three pricelists are:

A. Real evidence that provides direct evidence of an intentional agreement to fix prices.
B. Demonstrative evidence that provides direct evidence of an intentional agreement to fix prices.
C. Real evidence that provides circumstantial evidence of an intentional agreement to fix prices.
D. Demonstrative evidence that provides circumstantial evidence of an intentional agreement to fix prices.
Question 4 - On direct examination, the prosecutor asks a witness for information that would violate the attorney-client privilege. Before defense counsel can interject, the witness responds. What type of motion should defense counsel make?

A. A motion in limine.
B. An objection.
C. A motion to strike.
D. An exception.

Question 5 - An injured taxi passenger files a negligence claim against both the taxi driver and company. At trial, the passenger offers evidence that is admissible against the driver but not the company. The trial judge admits the evidence, and the company's lawyer requests a limiting instruction. Which of the following is correct?

A. The judge should require an offer of proof before giving the instruction.
B. The judge must give the instruction.
C. The judge has discretion to give the instruction.
D. The judge should not give the instruction because these instructions do more harm than good.

Question 6 - With respect to most evidentiary errors, an appellate court will reverse the trial court's judgment only if:

A. The trial judge abused her discretion.
B. The error affects a party's substantial right.
C. The trial judge ruled with specificity.
D. The trial judge abused her discretion and the error affected a party's substantial right.