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| Bank Item Number | G.C.3.11.L1 |
| Benchmark | SS.7.C.3.11 |
| Cognitive Complexity | Low |
| Item | The trial process is listed below.  Which option completes the trial process? |
| A | cross examination |
| B | jury instructions |
| C | investigation |
| D | verdict |

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| Bank Item Number | G.C.3.11.L1 | |
| Benchmark | SS.7.C.3.11 | |
| Cognitive Complexity | Low | |
| Item | The trial process is listed below.  Which option completes the trial process? | |
| A | cross examination | **Incorrect**-Cross examination would come between “Step 2” and “Step 3” in the trial process presented in the figure as the prosecution and the defendant ask questions of each other’s witnesses. |
| B | jury instructions | **Incorrect**-Jury instructions would come between “Step 3” and “Step 4” in the trial process presented in the figure. Juries deliberate after they are given instructions about the laws associated with the jury deliberation process, which is a large part of jury instructions. |
| C | investigation | **Incorrect**-Investigations are not a formal part of the trial process although attorneys for the defense and for the prosecution do conduct investigations to prepare for the trial. |
| D | verdict | ***Correct***-The role of juries is to determine verdicts which represent the final step in trials. |

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| Bank Item Number | G.C.3.11.M1 |
| Benchmark | SS.7.C.3.11 |
| Cognitive Complexity | Moderate |
| Item | What power is held by the Florida Supreme Court and the U.S. Supreme Court? |
| A | Both courts may issue *writs of habeas corpus*. |
| B | Both courts may issue *writs of mandamus*. |
| C | Neither court hears equal protection cases. |
| D | Neither court hears death penalty cases. |

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| Bank Item Number | G.C.3.11.M1 | |
| Benchmark | SS.7.C.3.11 | |
| Cognitive Complexity | Moderate | |
| Item | What power is held by the Florida Supreme Court and the U.S. Supreme Court? | |
| A | Both courts may issue *writs of habeas corpus*. | ***Correct***-The power to issue *writs of habeas corpus* is given to both the Florida Supreme Court and the U.S. Supreme Court. A *writ of habeas corpus* is used to bring someone before one of these two courts to determine whether or not that person is being lawfully imprisoned. |
| B | Both courts may issue *writs of mandamus*. | **Incorrect**- A *writ of mandamus* is a court order ordering a lower-level government official to perform their official duties. The Florida Supreme Court may issue *writs of mandamus* although the U.S. Supreme Court may not issue *writs of mandamus*. |
| C | Neither court hears equal protection cases. | **Incorrect**-Both the U.S. Supreme Court and the Florida Supreme Court hear equal protection cases; there is an equal protection clause in the 14th Amendment to the U.S. Constitution and there is also an equal protection clause in the Florida Constitution. |
| D | Neither court hears death penalty cases. | **Incorrect**-Both the U.S. Supreme Court and the Florida Supreme Court hear death penalty cases. There is a federal death penalty and a state-level death penalty in Florida. This means that death penalty cases are heard by both courts. |

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| Bank Item Number | G.C.3.11.M2 |
| Benchmark | SS.7.C.3.11 |
| Cognitive Complexity | Moderate |
| Item | The passage below describes a dispute between two neighbors.  ---------------------------  Liz’s 16 year old daughter backed into Doug’s car while it was parked in front of his house. Doug sued Liz for $1500 to cover the cost of repairing the car.  ---------------------------  Which court heard the case? |
| A | Circuit Court of Appeals |
| B | Florida Supreme Court |
| C | appellate court |
| D | county court |

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| Bank Item Number | G.C.3.11.M2 | |
| Benchmark | SS.7.C.3.11 | |
| Cognitive Complexity | Moderate | |
| Item | The passage below describes a dispute between two neighbors.  ---------------------------  Liz’s 16 year old daughter backed into Doug’s car while it was parked in front of his house. Doug sued Liz for $1500 to cover the cost of repairing the car.  ---------------------------  Which court heard the case? | |
| A | Circuit Court of Appeals | **Incorrect**-The purpose of a court of appeals is for a court to determine if the court below it was correct in its decision making. |
| B | Florida Supreme Court | **Incorrect**-The Florida Supreme Court serves as a court of appeals in most cases and as a court of original jurisdiction in limited cases such as *writs of habeas corpus* and judicial qualifications and discipline. One person suing another for a damaged car is not the type of original jurisdiction case that the Florida Supreme Court would hear. |
| C | appellate court | **Incorrect**- The purpose of a court of appeals is for a court to determine if the court below it was correct in its decision making. |
| D | county court | ***Correct***-A county court serves as a court of original jurisdiction for cases involving one person suing another for an amount less than $5000. |

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| Bank Item Number | G.C.3.11.M3 | |
| Benchmark | SS.7.C.3.11 | |
| Cognitive Complexity | Moderate | |
| Item | The passage below describes a U.S. Supreme Court decision.  In 1940, the Texas Democratic Party refused to give an African-American man a ballot to select candidates to run for Congress and governor.  In finding this action unconstitutional “…this Court is not constrained to follow a previous decision which…, involves the application of a constitutional principle, rather than an interpretation of the Constitution to evolve the principle itself.”  Source: *Smith* v. *Allwright* (1944)  What does this court decision illustrate? | |
| A | The court has the power to accept appeals cases. |  |
| B | The court has the power of judicial review. |  |
| C | The court is a district court. |  |
| D | The court is a trial court. |  |

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| Bank Item Number | G.C.3.11.M3 | |
| Benchmark | SS.7.C.3.11 | |
| Cognitive Complexity | Moderate | |
| Item | The passage below describes a U.S. Supreme Court decision.  In 1940, the Texas Democratic Party refused to give an African-American man a ballot to select candidates to run for Congress and governor.  In finding this action unconstitutional “…this Court is not constrained to follow a previous decision which…, involves the application of a constitutional principle, rather than an interpretation of the Constitution to evolve the principle itself.”  Source: *Smith* v. *Allwright* (1944)  What does this court decision illustrate? | |
| A | The court has the power to accept appeals cases. | **Incorrect**-The passage outlines a U.S. Supreme Court decision. Although the U.S. Supreme Court does have the power to accept appeals cases, the focus of the passage is not on that specific power of the U.S. Supreme Court. |
| B | The court has the power of judicial review. | ***Correct***- The passage outlines a U.S. Supreme Court decision. With the passage showing that the Court is not obligated to follow past decisions (“constrained to follow a previous decision”), the Supreme Court is demonstrating that it is using its power of judicial review. |
| C | The court is a district court. | **Incorrect**-The U.S. Supreme Court is the highest court in the United States judicial system. District courts function at a lower level than the U.S. Supreme Court. |
| D | The court is a trial court. | **Incorrect**- The U.S. Supreme Court is the highest court in the United States judicial system. Trial courts function at a lower level than the U.S. Supreme Court. |

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| Bank Item Number | G.C.3.11.H1 |
| Benchmark | SS.7.C.3.11 |
| Cognitive Complexity | High |
| Item | The graph below describes appeals filed by type of appeal in the U.S. Courts of Appeals, 1990-2010.   |  |  |  | | --- | --- | --- | | **Year** | **Civil** | **Criminal** | | 1990 | 27116 | 9493 | | 1995 | 34203 | 10162 | | 2000 | 35780 | 10707 | | 2005 | 32818 | 16060 | | 2010 | 55992 | 12797 |   Source: United States Courts  Based on the graph, what conclusion can be drawn about court cases in the U.S.? |
| A | More civil cases are being filed without legal representation. |
| B | More criminal cases are being filed without legal representation. |
| C | More criminal actions are being dropped before trial. |
| D | More civil actions are being dropped before trial. |

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| Bank Item Number | G.C.3.11.H1 | |
| Benchmark | SS.7.C.3.11 | |
| Cognitive Complexity | High | |
| Item | The graph below describes appeals filed by type of appeal in the U.S. Courts of Appeals, 1990-2010.   |  |  |  | | --- | --- | --- | | **Year** | **Civil** | **Criminal** | | 1990 | 27116 | 9493 | | 1995 | 34203 | 10162 | | 2000 | 35780 | 10707 | | 2005 | 32818 | 16060 | | 2010 | 55992 | 12797 |   Source: United States Courts  Based on the graph, what conclusion can be drawn about court cases in the U.S.? | |
| A | More civil cases are being filed without legal representation. | ***Correct***-The increase of civil cases being filed without representation is evident in the increase in the number of civil appeals. The federal government and state governments are not obligated to provide representation in civil cases, such as with a poor defendant. |
| B | More criminal cases are being filed without legal representation. | **Incorrect**-Persons charged with crimes are eligible for representation even if they cannot afford representation. The increase in the number of criminal appeals cases suggests that the criminal defendants are represented by counsel. Representation of criminal defendants would rise at the same rate as the increase in the number of criminal appeals cases. |
| C | More criminal actions are being dropped before trial. | **Incorrect**- The increase in the number of criminal appeals cases suggests the number of criminal actions being dropped before trial has not increased; rather, the number of criminal actions being dropped before trial has likely decreased. |
| D | More civil actions are being dropped before trial. | **Incorrect**- The increase in the number of civil appeals cases suggests the number of civil actions being dropped before trial has not increased; rather, the number of civil actions being dropped before trial has likely decreased. |