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## TEXAS BAR EXAMINATION PART II - A CRIMINAL PROCEDURE AND EVIDENCE

ATTACHED ARE 11 PAGES

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## CRIMINAL PROCEDURE AND EVIDENCE

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## Additional Instructions

- 1. Unless otherwise shown by the context, all questions relate to criminal proceedings in a Texas Court.
- 2. The number of blank lines provided for your answers bears no relationship to the length of your answers you may require more or less lines if more, use the reverse side of the facing page.

QUESTION 1. With respect to Appellant's notice of appeal under current appellate rules, state:

- a. The form and content of the notice (a) if after verdict and (b) if after plea-bargain.
- b. The time for giving notice (a) if no motion for new trial is filed and (b) if motion for new trial is timely filed.

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<u> </u>	UESTION 2.	The Co	ourt of	Criminal	Appeals	may revi	lev a	
decisi	on of a Cour	t of A	ppeals o	n its own	motion	or upon	petitio	o n
of app	ellant or th	e State	e. What	are some	of the	grounds	or	
reason	s (state at	least :	3) the C	ourt will	conside	er in dec	iding	
to rev	riew?							
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QUESTION 4. In presenting final argument to the jury, a
prosecutor is limited to four areas or subjects of discussion.
What are these areas or subjects?
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QUESTION 5. As counsel for the defense, your objection to
improper prosecution argument has been sustained. In order to
preserve error for appellate review, what further relief, if any,
do you seek from the trial court?
QUESTION 6. What is the standard of review employed by an
appellate court to test the sufficiency of the evidence to sustain
a criminal conviction?

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	QUES	STION	8.	Define	or	brief	ly di	scuss	each	of	the	following
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ordered where two defendants have been indicted for the same or
related offenses and are to be tried jointly?
QUESTION 10. What is the rule in Texas with respect to
accomplice testimony?
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QUESTION 11. Where the issue of incompetency to stand trial
has been raised in the trial court, what standard must be met to
prove competency?

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QUESTION 18. What is a lesser included offense?	
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QUESTION 19. What instructions and admonitions must the	trial
court give an accused in accepting a guilty plea arising from	а
plea-bargain agreement?	
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QUESTION 20. What facts must the State prove to authorize	e
the trial court's denial of bail on a charge less than capital	
when the offense is committed while the defendant is on bail f	rom
another pending charge.	
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QUESTION 21. A defendant asserts on appeal that reversible
error occurred at the trial court's denial of his motion for new
trial based upon newly discovered evidence. What facts with respect
to the newly discovered evidence must have been established in the
trial court and reflected in the appellate record?
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QUESTION 22. The prosecutor wishes to offer the "dying declara-
tion" of the decedent with whose homicide your client is charged.
Satisfactory proof has been presented that the deceased was con-
scious of approaching death with no hope of recovery, that the
declaration was voluntarily made, and that the deceased was of sane
mind. Do you object to the testimony? If so, what ground or
grounds do you urge upon the court?

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