

UNITED STATES DISTRICT COURT FOR DISTRICT OF PUERTO RICO
FEDERAL BAR EXAMINATION
SAMPLE CRIMINAL PROCEDURE QUESTIONS

You represent an individual who is subpoenaed to appear before a Federal Grand Jury. After contacting the local U.S. Attorney's Office and speaking with the prosecutor in charge of the case, you are convinced that your client is the "target" of the Grand Jury investigation. Which of the following options is available to your client?

- a. He may decline to appear before the Grand Jury.
- b. He may appear before the Grand Jury and invoke his right against self-incrimination.
- c. He may appear before the Grand Jury accompanied by counsel.
- d. Counsel may appear before the Grand Jury in his stead.

Answer: (b)

Source: Federal Rule of Criminal Procedure 6(d)(1)

Jane Smith owns a bar that has an assortment of illegal substances as sides to their varied selection of specialty drinks. For the past six months, an undercover agent has been ordering the specialty mojito that comes with a side of a green leafy substance that has consistently tested positive to marijuana. A complaint against Jane and her associates is filed and arrest warrants issued. When arrested, Jane requests to see a copy of the warrant but the arresting officers don't have it. They inform her of the existence of a warrant and of the offense charged. Jane can review a copy of the warrant when she arrives for initial appearance. Attorney Perry Legal moves to dismiss the complaint because the agents did not have copy of the warrant at the time of the arrest. Is he right?

- a. No. The arrest warrant is only issued when there is an indictment.
- b. No. The arrest warrant is never served on the arrestee, only on his attorney.
- c. No. The arrest warrant need only be served to the U.S. Attorney's Office for them to commence the grand jury proceedings.
- d. No. The arrest warrant need not be in the possession of the arresting agents at the time of arrest and the procedure followed by the arresting agents was correct.

Answer: (d)

Source: Federal Rule of Criminal Procedure 4(c)(3)(A)