

Simulated Exam #4 – Sergeants Answer Key

1. A – 2C:11-1d
2. B – 2C:12-1b5a & 2C:12-3
3. C – State of NJ v. KIRK (App. Div.1985) – Know you KIRK guidelines – tested numerous times
4. D – use our acronym MACE PIOS
5. D – 2C:1-5d, State v. Felder (App. Div. 2000)
6. B – 2C:27-2, 2C:27-10
7. C – 2C:2-12, State v. Talbolt (1976)
8. A – 2C:3-4, 2C:3-5, 2C:3-6
9. C – State v. Martinez (App. Div. 1989)
10. B – 2C:13-2, State v. Worthy (App. Div. 2000)
11. D – 2C:36-3, a 4th degree crime. Choice A. would be a 3rd degree but the age must be under 18 years old, not 21. Choice B. is a disorderly persons offense. Choice C. the advertisement must be in some sort of publication, not word-of-mouth.
12. C – State v. Spivey (2004). Choice I. is 2C:39-4.1a, Choice II is 2C:35-5b(1) or and Choice V. is 2C:35-7.1 (there is no affirmative defense that the act occurred within a private residence as there is in 2C:35-7). Choice III is incorrect as there is not enough fact presented to charge with Wandering 2C:33-2.1 and Choice IV is incorrect as there are no facts indicating that the juvenile was being used, solicited, directed, hired or employed, 2C:35-6
13. C – State v. S.C. (App. Div. 1996), 2C:35-6
14. D – State v. White (Law Div. 1991) – 39:4-50.2
15. C – 2C:35-7e
16. A – Choice II is incorrect since the facts do not state Albert refused to submit to breath samples. Choice III is incorrect as Albert must first be convicted of D.W.I. to charge this statute, a disorderly persons offense. Choice IV is incorrect as this statute deals with sexual type offenses against minors.
17. D – State v. Zeidell (App. Div. 1996), 2C:14-2b
18. C – 2C:14-4, 4th degree Lewdness due to the children’s ages, State v. Hackett (2001)
19. B – State v. Mendez (2002), 2C:28-6(1)
20. B – State v. Ainis (Law Div. 1998); the syringe is considered a weapon in this case. Always go with the most serious charge that fits if not a 2-tier situation.
21. C – 2C:15-2 – State v. Williams (App. Div. 1996)
22. A – 2C:28-8, State v. Cantor (App. Div. 1987)
23. B – 2C:28-6 – State v. Mendez (2002)
24. C – 2C:20-3 and 2C:18-2, State v. Subin (App. Div. 1988)
25. D – 2C:29-9, State v. Marquez (App. Div. 1994)
26. C – 2C:29-1

27. A – 2A:4A-61(a)(3), Juvenile Matters – III. Juvenile Processing, Fingerprinting, DNA Collection, and Complaint Entry, Fingerprints and Photographs, B. Fingerprinting.
28. A – 2C:28-6 – State v. Mendez (2002)
29. D – State in the Interest of M.C., Lodi: National Wholesale Liquidators (App. Div. 2000) The Court found that the State failed to prove its case beyond a reasonable doubt, the Appellate Division emphasized that third-degree arson “requires as its first element proof that the accused ‘purposely start[ed] a fire.’ 2C:17-1b.” As was held in State in the Interest of M.N., the accused must purposely start the fire, not merely ignite something capable of causing the fire. Although an aerosol-can-torch may be more dangerous than a lighter, the can’s spray did nothing more than extend the flame, and M.C. was not charged or tried for setting the contents of the can on fire. Since the flame from M.C.’s torch touched nothing, he did not set the fire. Therefore, he was not guilty of either count of arson. The court also found that there was insufficient evidence to prove the charge of failing to report or control a dangerous fire, 2C:17-1c.(2). This offense requires proof that the “fire was started, albeit lawfully, by [the accused] or with his assent, or on property in his custody or control.” Since the court found that the fire started without M.C.’s knowledge, “it can hardly be said that it was started with his assent.”
30. D - S.Z. v. M.C. (App. Div. 2011)
31. C – 2A:4A-61
32. A – State v. Hoffman (1997)
33. A – Mandatory In-Service Law Enforcement Training (Due to a Particular Assignment)
34. B – II and IV
35. A – 2C:7-2, Megan’s Law
36. C
37. B – Mandatory Training / Vehicular Pursuit Guidelines
38. A – 2A:161A-3, Strip and Body Cavity Search Guidelines
39. A – 2C:20-11
40. D – 2C:18-1
41. D – 2C:12-1a2
42. C – Sex Offender Registration and Community Notification Laws, Notice to Offenders of Duty to Register
43. D – Property and Evidence Function
44. C – Strip Search and Body Cavity Search Requirements
45. C – Strip Search and Body Cavity Search Requirements
46. B – 2C:20-3, State v. Smalls (App. Div. 1998)
47. B – NCIC information is to be entered promptly. NIBIN information is to be entered as expeditiously as possible.
48. C – 2C:17-1
49. D – Drug Free School Zone
50. B – This is not a domestic violence case
51. D – 2C:33-2a – Choices A. and B. need 5 or more participants to qualify
52. B – State v. Kazanes (1999); The evidence presented in this case is insufficient to support a Wandering charge

- 53. B – Firearms Qualifications
- 54. A – Vehicular Pursuits, 3. Deciding Whether to Pursue, 3.3.d
- 55. B – II, 2C:27-2 and IV, 2C:30-2
- 56. A – This is a theft, if not a burglary, being perpetrated by your officers. You must take firm action in this type of scenario on test day regardless of the reasons it was being committed – Internal Affairs Policy and Procedures
- 57. D – Drug Enforcement Guideline
- 58. C – 2C:30-2 & 2C:20-5
- 59. D – State v. O’Hagen (2007)
- 60. D – State v. Montalvo (2017)
- 61. D – Use of Force Policy
- 62. A – 2C:58-3c
- 63. A – 2C:20-7
- 64. A – 2C:14-2
- 65. B – 2C:17-1b(1) or (2)
- 66. B – Domestic Violence Procedural Manual - 3.17. Guidelines on Prosecutorial Procedure Regarding Weapons Seized in Domestic Violence Cases, 3.17.2B
- 67. B – State v. Alessi (2020)
- 68. D – Directive Regarding Retention and Transmittal of Contemporaneous Notes of Witness Interviews and Crime Scene – Section A.2
- 69. C – Bias Incidents – Part 9: Guidelines for Confirming Bias Incidents. Roman numeral V is wrong because it should state “Statements made by the suspects.” Other considerations are: Common sense judgment and Statements made by the witnesses
- 70. C – State v. Shaw (NJ Sup. 2012)