

Simulated Exam

#7

Sergeants Candidates

1. Which of the below offenses require that the Bias Crimes Unit at the Division of Criminal Justice (DCJ) be immediately contacted when involved in a Bias Incident Investigation?
 - I. Homicide
 - II. Aggravated Criminal Sexual Contact
 - III. Sexual Offenses
 - IV. Arson
 - A. I and IV only
 - B. I, III and IV only
 - C. I, II and IV only
 - D. All of the above

2. A 10-year-old child has been abducted from your jurisdiction, but the situation does not meet the criteria for the activation of the AMBER Alert system. Based on the N.J. Attorney General's Directive *Revising New Jersey's AMBER Alert Plan*, which of the below actions is/are still available to your department despite the situation not meeting the criteria for the activation of an AMBER Alert?
 - I. Conduct a missing child investigation
 - II. Prepare and distribute flyers or use other means to enlist public assistance in locating the missing child
 - III. Enter into an agreement with local media to publicize the missing person report
 - IV. Contact the N.J. State Police Missing Persons Unit for assistance.
 - A. I only
 - B. I and II only
 - C. I, II and III only
 - D. All of the above

3. An officer observes a juvenile commit a petty disorderly persons offense. The officer is unsure about the use of a curbside warning in this situation. Which of the below statements is true?
 - A. When a petty disorderly persons offense is committed, there is a presumption in favor of performing a stationhouse adjustment, rather than engaging in a curbside warning.
 - B. For offenses such as petty disorderly persons offenses and disorderly persons offenses, there is an automatic presumption in favor of a curbside warning.
 - C. An officer may engage in a curbside warning at the officer's discretion, provided that the conduct did not cause serious or significant bodily injury to another.
 - D. The officer must obtain written approval from the victim of the offense in order to perform a curbside warning.

4. Tony, an 18-year-old, commits an act of sexual contact with 12-year-old Tammy. Which of the below is the most appropriate 2C charge for Tony?
 - A. Criminal Sexual Contact
 - B. Aggravated Sexual Contact
 - C. Sexual Assault
 - D. Aggravated Sexual Assault

5. Officer Jones has just completed a stationhouse adjustment with 16-year-old Johnny, his mother, and the victim. The officer has obtained the necessary signatures and has had a heart-to-heart talk with Johnny, who promised to abide by the agreement for the terms listed in it. What is the timeframe a stationhouse adjustment will remain in effect?
 - A. One year
 - B. Three to six months
 - C. Six months to one year
 - D. Until Johnny's 18th birthday

6. Which of the below statements is true regarding a stationhouse adjustment?
 - A. In cases where one or more victims object to the agreement, the law enforcement officer must discontinue the process and proceed with the filing of charges.
 - B. If a juvenile's unlawful conduct constituted an act of bias, sexual misconduct, or violence, or involved controlled dangerous substances (CDS) or CDS paraphernalia, authorization for a stationhouse adjustment must be granted by the County Prosecutor.
 - C. A victim may, but is not required to, sign the stationhouse adjustment agreement.
 - D. A stationhouse agreement may include enrollment in a Police Chaplain Program as long as the juvenile's parent(s) or legal guardian agrees.

7. Officer Grissom was advised by dispatch that an anonymous caller reported a man with a handgun at the corner of Plainfield Avenue and West Third Street. The caller described the individual as a tall, thin, dark-skinned male wearing a black jacket and a black and red cap. The officer quickly arrived at the scene and observed three men standing at the corner, one of whom was wearing a red jacket and a black and red cap. The officer noticed that, except for the color of his jacket, the man matched the physical description relayed by the dispatcher. The man's jacket was open, and he wore a long white tee-shirt that hung well below his jacket. The officer pulled his patrol car right up onto the sidewalk, next to where the men stood. At the time, the officer recognized the man as Steve Harmon from prior narcotics investigations and recalled that he had previously arrested Harmon for drug violations. The officer was also aware that Harmon lived in the immediate area and was associated with a local street gang. Although he had never known Harmon to carry a weapon, the officer's experience suggested that it was common for guns to be found in connection with narcotics offenses. In addition, the police department had been receiving information almost daily regarding incidents concerning both handguns and shootings in that area involving that same gang. Upon seeing the police car approach the corner, Harmon and his two associates began to walk away. The officer noticed that Harmon appeared quite nervous and observed him move his hand towards his waistband as he was turning away. From his experience, the officer was aware that suspects hide weapons in their waistbands, and, on this occasion, he believed that Harmon was hiding a gun there. The officer exited his patrol car, approached Harmon, and had him place his hands against a nearby chain-link fence. Harmon cooperated. The officer then lifted Harmon's tee-shirt and observed the top of a plastic bag protruding roughly two inches from his waistband. The officer removed the bag and found that it contained suspected crack cocaine.

Which of the below statements is true regarding this scenario?

- A. The investigative stop was unjustified based solely on the anonymous report.
- B. The investigative stop was justified, however the officer's decision to frisk Harmon was not.
- C. The investigative stop and frisk were justified; however, the lifting of Harmon's tee-shirt was unconstitutional.
- D. All of the officer's actions were justified.

8. Which of the below actions is the initial responding officer at the scene of a suspected/confirmed bias incident responsible for?
- A. Protect the crime scene.
 - B. Take steps to ensure that the incident does not escalate.
 - C. Provide headquarters with updated factual information regarding the incident.
 - D. Ensure that the necessary basic information is obtained to sustain a follow-up investigation.
9. Officer Ruiz responds to a Domestic Violence call. The officer sees no signs of injury nor receives any complaint of pain. There are no warrants in effect for any of the parties involved. There are no existing restraining orders. The officer has no reason to believe that a weapon was involved in the commission of the act of domestic violence. What may the officer do based on this scenario?
- A. The officer may arrest the actor, but the victim must still sign the complaint.
 - B. The officer may sign the complaint but may not arrest the actor.
 - C. The officer may arrest the actor and may sign the complaint.
 - D. The officer may not arrest the actor and may not sign the complaint.
10. The Hunterville Police Department will be responsible for crowd and traffic control for the Hunterville High School Pep Rally and Bonfire event. Which of the below assigned officers shall be equipped with a body-worn camera (BWC).
- I. Uniformed patrol officers
 - II. Class II Special Law Enforcement Officers
 - III. School Resource Officers
 - IV. Class III Special Law Enforcement Officers
- A. I only
 - B. I and II only
 - C. I, II and III only
 - D. All of the above
11. According to the NJ Attorney General's *Internal Affairs Policy and Procedures*, untidiness, faulty driving, and tardiness are grounds for a _____ complaint.
- A. demeanor
 - B. minor rule infraction
 - C. differential treatment
 - D. serious rule infraction

12. Officer Ingraham is attempting to arrest David Juno. David is non-compliant and sitting on the ground, stiffening his arms to the side and under his legs as the officer is attempting to handcuff him. According to the Attorney General's *Use of Force Policy*, David is considered a/an:
- A. passive resistor.
 - B. active assailant.
 - C. threatening assailant.
 - D. active resistor.
13. Which of the below would not be considered a de-escalation technique?
- A. Speaking to a subject in a slow and calm voice.
 - B. Unholstering a weapon as a sign of constructive authority.
 - C. Sharing the officer's name with a subject.
 - D. Explaining to a subject the officer's action
14. According to the NJ Attorney General Guideline on *K-9 Training Standards and Qualification Requirements*, how often must a K-9 specialty team conduct in-service training?
- A. Monthly
 - B. Semi-annually
 - C. Four times annually
 - D. At the discretion of the agency executive
15. To be valid, a defendant's waiver of his or her rights must be made:
- I. Knowingly
 - II. Ambiguously
 - III. Intelligently
 - IV. Voluntarily
 - V. Reasonably
- A. I, III and IV only
 - B. I, IV and V only
 - C. I, II, III and IV only
 - D. All of the above

16. Anytown Police Department's policy on the claiming of towed vehicles is lenient in order to give residents a fair opportunity to retrieve their property. John Harris' 2010 Honda Accord has been towed and not claimed in over a year. What is the best course of action for the Anytown Police Department to do at this time?
- A. Return the vehicle to Mr. Harris as the legal statute of limitations for seizure has passed.
 - B. Sell the vehicle at public auction.
 - C. Destroy the vehicle.
 - D. Any of the above.
17. Alex is cleaning his firearm in his living room. While doing so, he accidentally discharges the gun, and the bullet goes through the wall into the neighboring apartment, and grazes his neighbor, Lisa, in the leg. Lisa sustains a bodily injury as a result of the gunshot wound. What, if any, would be the proper charge against Alex?
- A. Aggravated assault
 - B. Attempted homicide
 - C. Simple assault
 - D. No charge. This was simply an accident.
18. Harry is driving down Oak Street and sees a package on a porch. He stops his car, gets out, and takes the package. He then drives off at a high rate of speed. What would be the proper charge against Harry?
- A. Theft of unlawful taking
 - B. Eluding
 - C. Theft of property delivered by mistake
 - D. Theft of services
19. Norman is showing his gun collection to his best friend, Kevin. Norman keeps all his guns unloaded. Jokingly, Norman points his Sig Sauer P220 .45 caliber handgun at Norman and pulls the trigger. The gun merely "clicks" and frightens Norman. They both then laugh it off. What, if any, would be the appropriate charge against Norman?
- A. No charge. The friends are simply goofing off.
 - B. Simple assault
 - C. Negligent assault
 - D. Aggravated assault

20. Two officers were on patrol when they received a radio report from dispatch that headquarters had gotten an anonymous tip that an individual in a burgundy Durango with a temporary tag was flashing a gun at the 1100 block of East St. George Avenue. The officers responded in separate police vehicles and arrived at the scene. As the officers converged on the Durango, they noticed that it had dark-tinted windows, making it difficult to see inside. Consequently, they executed a “high risk traffic stop.” The vehicle’s driver was ordered to take the keys out of the ignition, place them on the roof, and exit the vehicle. He complied. A pat-down search of the driver did not turn up any weapons. The two remaining occupants sitting in the rear of the Durango were ordered out of the car. A pat-down search of both passengers also revealed no weapons. Other officers arrived at the scene. After the driver and occupants were taken to a secure location, several officers searched the vehicle for weapons. A gun was found under the front passenger seat. The driver and occupants were then arrested. At about this time, Charles Matthews approached the scene and made several attempts to get into the vehicle. The officers told him that there was an investigation in progress and to leave the scene. He refused, became irate and combative, and again tried to get into the Durango. As a result, Charles was placed under arrest. Shortly thereafter, Charles admitted that the gun was his. Which of the below statements is/are true?

- I. The initial stop of the vehicle was lawful under the community caretaking function.
- II. The pat-down of the driver was lawful.
- III. The pat-down of the passenger was lawful.
- IV. The search of the vehicle was lawful.

- A. I only
- B. I and II only
- C. I, II and III only
- D. All of the above

21. Officer King unholstered his firearm and pointed it at Brian Indigo because Brian was holding a machete. Brian ultimately complied with the officer’s demands to drop the knife and was arrested. Which of the below statements is true regarding this scenario?

- A. Officer King used constructive authority and must report that fact through the Attorney General’s Use of Force Reporting Portal.
- B. Officer King used constructive authority, but it is not necessary to report this action through the Attorney General’s Use of Force Reporting Portal.
- C. Officer King used deadly force and must report that fact through the Attorney General’s Use of Force Reporting Portal.
- D. There is no need to make any notations regarding this action in any report.

22. What is necessary for police officers to knock on the door of a residence, make contact with the resident, ask if they may enter to talk about their concern, and once inside, ask permission to search the premises?
- A. Probable cause
 - B. Reasonable suspicion
 - C. Reasonable articulable suspicion
 - D. No level of proof is necessary as long as the resident knows they have the right to refuse.
23. Sharon walked into the changing room of a department store and changed the price tag on the jeans she tried on to one of a lower price tag. She then proceeds to the register and pays the lower price. What would be the proper charge against Sharon?
- A. Theft of moveable property
 - B. Shoplifting
 - C. Fraud
 - D. Forgery
24. If, during an internal affairs investigation, it is revealed, by a preponderance of the evidence, that the alleged incident did not occur, the finding must be:
- A. Sustained
 - B. Unfounded
 - C. Exonerated
 - D. Not sustained
25. Sgt. Kevin Boyd is a close friend of yours. While at home you received an invitation for you and your spouse to attend their baby shower. Kevin's wife, Nancy, is your subordinate. You did not know she was pregnant up until this time. She has not officially advised you or the department and her performance has not changed. What action are you required to take upon returning to duty?
- A. Request that Nancy be re-assigned to a modified-duty position.
 - B. Advise your supervisor of the fact that Nancy is pregnant and follow department protocol.
 - C. Continue to treat Nancy the same as before as she has not officially advised the department.
 - D. Speak with Nancy and request she take a leave of absence.

26. Captain Jones has been assigned to update the department's SOP on drug testing of officers. She is aware of some recent changes in the Attorney General's Drug Testing Policy and wants to incorporate them into the new department policy. Which of the below statements is to be added by Captain Jones?

- A. The department will undertake drug testing of individual officers when there is probable cause to believe that the officer is under the influence of cannabis during work hours.
- B. The department will undertake drug testing of individual officers when there is reasonable suspicion to believe that the officer is under the influence of cannabis.
- C. The department will undertake drug testing of individual officers when there is reasonable suspicion to believe that the officer is under the influence of cannabis during work hours.
- D. The department will undertake drug testing of individual officers when there is probable cause to believe that the officer is under the influence of cannabis.

27. Victims of sexual violence have the right to decide whether to report the crime and release forensic evidence to law enforcement. All SAFE/DFSA (HOLD) kits taken from a victim who has not reported the crime to law enforcement or has not released the collected evidence to law enforcement, shall be retained for a minimum of _____ from the date of collection.

- I. 5 years
- II. 20 years
- III. 5 years after the victim reaches the age of 18 if the victim is a minor
- IV. 20 years after the victim reaches the age of 18 if the victim is a minor

- A. I and III
- B. I and IV
- C. II and III
- D. II and IV

28. The *Real Accountability for Consequences of Unlawful Trafficking of Firearms Act* holds persons who illegally traffic in firearms accountable for the harm those firearms ultimately cause. Under the Act, any person who illegally traffics a firearm may be held strictly liable when that firearm is later used in the course of committing a crime causing death, serious bodily injury, or significant bodily injury within _____ years of the initial trafficking act.

- A. 2
- B. 3
- C. 4
- D. 5

29. Frank lives in New York. His friend, Dave, lives in New Jersey. Dave visits Frank and buys Frank's Glock 19, 9mm handgun. Later in the week Dave shoots his girlfriend, Jane. Jane ultimately dies from her wounds. Who can be charged with violating the *Real Accountability for Consequences of Unlawful Trafficking of Firearms Act*?

- A. Frank
- B. Dave
- C. Frank and Dave
- D. No one. Frank lives out of state and Dave did not sell the handgun.

30. The NJ Attorney General Directive on *Establishing Breathing/Blood flow Restriction Event: Advocacy, Treatment, Help, and Empowerment (BREATHE) Team* mandates that a BREATHE team be established to be activated in certain circumstances. Which of the following scenarios would a BREATHE team be activated?

- A. Chris is very depressed and attempts to hang himself. Before he can tie the rope to his neck, the chair he is standing on breaks. Chris falls, bangs his head, and becomes unconscious. His neighbor discovers Chris, calls the ambulance and Chris is transported to the hospital. Chris survives.
- B. Mary has been choked by her husband Mark during a domestic violence incident. Mark was arrested and Mary was taken to the hospital for her injuries.
- C. Greta has a terminal illness and has been given two weeks to live. She asks Brian to end her life. Brian uses a pillow and smothers Greta to death.
- D. All of the above

31. Gina was strangled by her live-in boyfriend on October 5th. According to NJ Attorney General Directive on *Establishing Breathing/Blood flow Restriction Event: Advocacy, Treatment, Help, and Empowerment (BREATHE) Team*, if Gina does not exhibit continued visible signs of strangulation or does not report experiencing continued symptoms of strangulation and/or smothering, what is the latest date in which the BREATHE Team FNE would respond to meet with Gina?
- A. October 8th
 - B. October 9th
 - C. October 12th
 - D. October 13th
32. Law enforcement agencies have an independent obligation to undertake drug testing of individual officers and trainees when there is reasonable suspicion to believe that the officer or trainee is illegally using drugs or is under the influence of a controlled dangerous substance or:
- A. cannabis.
 - B. cannabis during work hours.
 - C. anabolic steroids.
 - D. alcohol during work hours.
33. Who is responsible in ensuring that those civilians who choose to carry a firearm are equipped with the knowledge and training necessary to safely carry a firearm?
- A. The NJ Supreme Court
 - B. The NJ Attorney General
 - C. The Chief of Police of the agency in which those civilians reside
 - D. All NJ law enforcement agencies
34. According to *Patricia's Law (Model Missing Persons Legislation)*, particularly 52:17B-216, who determines if a reported missing person is considered a "high-risk" missing person?
- A. The County Prosecutor
 - B. The State Police Missing Person's Unit
 - C. The law enforcement agency taking the report
 - D. The missing person is automatically considered a high-risk missing person if the circumstances surrounding the event meet the criteria set forth in the Legislative Act.

35. While walking his beat, Officer Jones was informed by a homeowner that he found a discarded Glock 19 (9mm handgun) in his bushes. Officer Jones' agency must submit that firearm to a forensic laboratory with NIBIN capabilities within ____ days to determine if the firearm is related to any criminal episode or person.
- A. two
 - B. two business
 - C. three
 - D. three business
36. Which of the below statements is false with reference to a home's curtilage?
- A. A home's curtilage, the area immediately surrounding and associated with the home, is protected by the Fourth Amendment, like the home itself."
 - B. No privacy expectation analysis needs to be applied to curtilage. When a government official steps onto the curtilage of a home without permission, an implied license, or a warrant, the official has begun to conduct a search and the search will be lawful only if an exception to the warrant requirement applies.
 - C. Curtilage is subject to a diminished Fourth Amendment protection because the area is semi-private or because it carries a diminished privacy expectation.
 - D. The protection afforded by the curtilage is essentially a protection of families and personal privacy in an area intimately linked to the home, both physically and psychologically, where privacy expectations are most heightened.
37. Officer Vasquez randomly checked the license plate of the vehicle driving in front of his patrol vehicle using his MDT. That check showed that the registered owner of the vehicle has a suspended license. Upon stopping the vehicle, it became reasonably apparent to the officer that the driver, nor the passenger, did not look like the owner whose license is suspended. Which of the following actions can the officer do at this time?
- A. Ask the driver for identification.
 - B. Ask the passenger for identification.
 - C. Both A and B
 - D. Neither A nor B

38. Sometime after 1:00 a.m., police officers were deployed to arrest Julian Bell on a four-month-old ATS warrant, issued by a municipal court for failure to respond to a summons charging him with driving while suspended. Bell was also the subject of a long-term investigation by the police, who suspected Bell was connected with the theft of motorcycles and all-terrain vehicles (ATVs) in the city. When the officers arrived at Bell's home (located in a high-crime area,) he was standing outside with Steven Bookman. Bell and Bookman immediately fled into a row house next door to Bell's residence, and the officers pursued. One of the officers located Bookman in a second-floor bedroom. When the officer advised Bookman that he was not the person they were looking for, Bookman volunteered that he had a gun in his front jacket pocket. The officer then reached into the pocket, retrieved a revolver, and arrested him. What would most likely be the outcome at trial on Bookman's weapon charges?
- A. The ATS warrant only authorized Bell's arrest and the entry of his home, if necessary. The evidence (handgun) would be suppressed.
 - B. Bookman's decision to run from the scene constituted grounds to invoke the "*hot pursuit doctrine*". The evidence (handgun) would not be suppressed.
 - C. The NJ Supreme court recently adopted a bright-line rule providing that an ATS warrant is not sufficient to justify the warrantless entry of a home under the hot pursuit doctrine. The evidence (handgun) would be suppressed.
 - D. The high-crime area gave officers reasonable suspicion to perform a pat-down for weapons of Bookman and inevitably would have found the handgun during the pat-down. The evidence (handgun) would not be suppressed.
39. Under state law, wiretap orders are limited in time to only as long as necessary to achieve their objective or a maximum of ____ days.
- A. 10
 - B. 20
 - C. 30
 - D. 45
40. With regard to Question #39, extensions or renewals of wiretap orders can be granted for additional periods. Those periods are:
- A. two additional periods of 10 days each
 - B. three additional periods of 20 days each
 - C. two additional periods of 30 days each
 - D. three additional periods of 45 days each

41. Officers may not knock and announce their presence, authority and purpose and immediately enter the target premises. Accordingly, how do the courts consider when officers are allowed to breach entry when their announcement goes unheeded?
- A. The officers' wait time must be measured from the completion of the first knock-and-announce to the moment the officers forcibly breach the door.
 - B. The officers' wait time must be measured from the first knock on the door to the moment the door is forced open.
 - C. The officers' wait time must be measured from the completion of the last knock-and-announce to the moment the officers forcibly breach the door.
 - D. The officers' wait time must be measured from the last knock on the door to the moment the door is forced open.
42. Detective Jane Anderson posed as a fourteen-year-old child on a mobile chat application, Skout. An individual displaying the name M.W. initiated a conversation with Anderson through Skout, stating, "Hey gorgeous I would love to be your sugar daddy and spoil you." Anderson provided a cellular phone number to M.W., and later that day received a text message from an unfamiliar phone number stating, "Hey gorgeous." When Anderson asked the sender to identify himself, the sender replied, "[M.]." M.W. then texted Anderson he was looking to get oral sex and asked her age. Anderson texted M.W. she was fourteen years old. That afternoon, M.W. continued to send Anderson messages comprised of sexually explicit statements. The next day Anderson received unsolicited messages on another mobile chat application, Kik, from a user named "Kazeblack," who was later identified as M.W. Those messages stated, "Hey sexy" and "What's up beautiful its [M.]." "Kazeblack" continued to send messages, including a photograph of a shirtless male seen from his chest up and a request for photographs of the juvenile. "Kazeblack"/"[M.W.]" solicited Anderson to meet at a park for sex. When he arrived at the park in a motor vehicle in an attempt to meet up with the juvenile with whom he was chatting he was arrested by police and identified as Neil Tryst. During a search incident to Tryst's arrest, the officers seized a cellular phone in his possession. Would Detective Anderson have probable cause for search warrant of the cell phone?
- A. Yes. Since actors involved in luring using the internet and cell phone technology can "hide" information anywhere in their phones, Anderson has probable cause to request that all data in Tryst's cell phone be searched.
 - B. No. Cell phone location and stored data can only be granted by request through a Grand Jury subpoena.
 - C. Yes, but she can only request a search for data limited to Tryst's alleged use of the phone on the two specific dates Tryst made contact with her.
 - D. No. The facts do not establish that the cell phone that police seized was the device that Tryst actually used to commit the crimes he was charged with.

43. Sometime before 9:00 a.m., Jason injected himself with fentanyl-laced heroin. Thereafter, he lost control of the vehicle he had been driving and his vehicle crashed into a gas station, killing three people and injuring others. At the scene of the crash, the police determined that Jason should be arrested for driving while under the influence. He was then placed in an ambulance, and Officer Smith followed the ambulance in his patrol car to the hospital. While in the ambulance, paramedics observed that Jason was unconscious, and administered “IV Naloxone (Narcan).” When Jason regained consciousness, he was asked how much heroin he had used that day. Jason responded: ‘I don’t know.’” Upon arrival at the hospital, Jason was taken to a trauma room. Officer Smith, who had also arrived at the hospital, accompanied Jason. In the trauma room, medical personnel removed his clothes to assess his injuries. At that time, which was between 9:30 a.m. and 10:15 a.m., Smith searched Jason’s clothing. In the pocket of his sweatpants, the officer found nine glassine bags of suspected heroin and seven used bags. The bags were all stamped “DEATH ROW.” Smith also found a glass pipe in Jason’s jacket. Laboratory testing later confirmed that the powder in the bags consisted of heroin, fentanyl, and methamphetamine. The pipe was found to have a trace amount of cocaine. Which of the below statements is true regarding this scenario?

- A. Only the search incident to arrest, which was substantially contemporaneous with Jason’s arrest, was reasonable.
- B. Only the inventory search of Jason’s clothes was lawful as there were safety concerns that another uncapped syringe could be in the clothes.
- C. Both the search incident to arrest and inventory search were lawful based on the reasons in statements A & B.
- D. Neither the search incident to arrest nor the inventory search were lawful.

44. Police responded to a report that Mike had threatened and assaulted Nora, a woman whom he had been dating for several years. Nora told the officers that Mike stored weapons in a black bag in a closet in the trailer where they lived. According to Nora, Mike had brandished two guns in front of her and her children. A judge issued a warrant to search the trailer for the weapons. After arresting Mike, an officer searched the trailer, but found no weapons. Nora and her adult daughter, Betty, then informed the officers that Mike stored some of his belongings in a nearby storage trailer and that they also kept property in the storage trailer. Nora had common authority over the storage trailer. With Nora's consent, the officers searched the storage trailer, found, and opened the bag containing the weapons, and seized them. Which of the below statements is true regarding this scenario?
- A. The search of the storage trailer, seizure of the bag, and the search of the bag were lawful based on the authority of the initial search warrant.
 - B. The search of the storage trailer was proper due to Nora's consent. Exigent circumstances gave the police the right to search the bag and retrieve the weapons.
 - C. The search of the storage trailer, seizure of the bag, and the search of the bag were lawful based on Nora's consent.
 - D. The search of the storage trailer was lawful however police needed a separate search warrant to search the bag containing the weapons.

45. Officer Newsome was conducting surveillance in the vicinity of a condominium complex located in an area known to him to be “a high crime area,” which included frequent drug activity. There, the officer noticed an unoccupied white GMC Terrain vehicle. Previously, the officer had received information from an informant (CI) that a particularly described male operated a similar vehicle and distributed drugs in the area. The CI had provided the officer with a photograph of the GMC. The officer conducted a database search, which further disclosed information on the male, including a criminal record of drug-related arrests, and several convictions, including weapons offenses. At one point, a woman entered the driver’s side of the car, and the described male (Kevin Lima) entered the front passenger’s side after he placed a small child in the rear seat. Eventually, the car stopped at a residence where the officer observed Kevin exit the GMC and walk towards the backyard of the residence. He was briefly unable to see Kevin. Kevin returned from the backyard, accompanied by an unidentified female; he then entered the GMC while the unidentified female returned to the residence. The officer, now joined by several other officers, stopped the GMC. The officer asked Kevin out of the car, and a pat-down revealed no weapons or drugs. When the driver refused consent to search the GMC, the officers called for a K-9 unit, and asked the driver to step out of the vehicle and remove the child. Twenty-three minutes after police stopped the car and consent to search was refused, the K-9 unit conducted an exterior sniff of the vehicle. Immediately following the canine’s positive alert, the police searched the vehicle and found drugs, drug paraphernalia, weapons, and ammunition. Kevin admitted to owning the contraband. The police arrested Kevin and charged him with various crimes. The driver was released without any charges. Which of the below statements is true regarding this scenario?

- A. In the factual setting of this investigative stop, where the circumstances giving rise to probable cause were not unforeseeable or spontaneous, a warrant was required before searching the GMC.
- B. The investigative stop was deliberate, orchestrated, and wholly connected with the reason for the subsequent seizure of the evidence.
- C. Because police had only reasonable suspicion, not probable cause, to believe the GMC contained criminal contraband, a warrant would not have been issued at any point during the surveillance.
- D. All of the above

46. Police detectives, while driving westbound in an unmarked car, observed a Hyundai Sonata pass them in the eastbound lane travelling at a high rate of speed. The driver, later identified as Terrence Johnson, was the sole occupant. The detectives made a U-turn to catch up with Terrence, who then made a right turn without signaling. At one point, the detectives briefly lost sight of the Hyundai, but then located it parked in a parking lot with Terrence exiting the car and walking at a fast pace past the detectives and nervously looking at them. The detectives told Terrence to stop. When asked for his driving credentials, Terrence stated that he did not have a driver's license. At that point, one of the detectives decided to place Terrence inside the police vehicle. The other detective first looked in Terrence's car for paperwork, and then walked back to the police vehicle where Terrence was detained and asked him where the vehicle's credentials were. Terrence responded that they were in the glove compartment. When the detective opened the vehicle door, the detective saw a woman's nylon pants with knotted legs and an open top lying on the floor. Inside the top portion of the pants, he saw glassine envelopes containing suspected heroin and a plastic bag containing vials of suspected cocaine. Terrence was then placed under arrest." Which of the below statements is true regarding this scenario?

- A. The detective's entry into the vehicle was unlawful because Terrence was never afforded a meaningful opportunity to produce those documents on his own.
- B. The detective's entry into the vehicle was lawful based on the vehicle registration search exception to the warrant requirement.
- C. The detective's entry into the vehicle was unlawful because police must always depend on the automobile exception to the warrant requirement when entering vehicles after the occupants have been removed and secured.
- D. The detective's entry into the vehicle was lawful based on the search incident to arrest exception to the warrant requirement.

47. Police developed probable cause to believe the vehicle being used by Antonio was involved in the commission of a fatal shooting. During the extensive investigation, officers located the vehicle, a 2019 white Kia Optima, parked in the parking lot of an apartment building. No special access was required to enter the parking lot, which was open to the public. The officers impounded the car and applied for a warrant to search it. The search uncovered evidence linking defendant to the fatal shooting. Which of the below statement is true regarding this scenario?

- A. Police were required to obtain a warrant to seize the car, which was immobile and on private property. The seizure of the vehicle was unlawful.
- B. The plain-view exception to the warrant requirement permitted police to seize the car without a warrant while they awaited a warrant to search the car. The seizure of the vehicle was lawful.
- C. The "unforeseeability and spontaneity" requirement applies to the plain-view exception to the warrant requirement and thus the seizure of the vehicle was unlawful.
- D. The seizure of the vehicle was lawful under the plain view exception to the warrant requirement. A warrantless search of the vehicle would have been justified under the automobile exception to the warrant requirement.

48. Officer Nancy Young and her partner, Detective Frank Glass, were on patrol in an unmarked police car. They were driving on Christoph Avenue and saw Isaac standing by the front porch of 27 Christoph Avenue, a duplex. The property looked abandoned and dilapidated. Adjacent to the house was a grassy area, which could have been utilized as a driveway at one time, and there was a garage in the rear, directly behind it. Isaac was looking down at a cigarette box he was holding. As the officer drove closer, she also saw a glass vial with a yellow tinted liquid in it, which the officer believed to be phencyclidine (PCP). Isaac looked up, turned his back to the approaching vehicle, and blocked the officer's view of the vial and when he turned back around, the officer did not see the cigarette box or vial. Isaac then walked away from the porch towards the sidewalk. The officers stopped, exited their car, and ordered Isaac to stop. The detective then walked over to Isaac, while the other officer walked to where Isaac had been standing on the driveway, near the porch. The officer walked approximately five steps off the sidewalk and stood on a section of the concrete that was part of the driveway. From that vantage point on the driveway, directly in her line of sight, the officer saw a softball-size hole on the top of the porch, right by its edge. Inside the hole she saw the cigarette box and glass vial. The officer reached into the hole, retrieved the items, and the detective placed Isaac under arrest. Isaac was searched and found to be in possession of \$441 in cash. Which of the below statements is true regarding this scenario?

- A. Because the driveway was part of the home's curtilage the officer conducted an unlawful search and her subsequent observation of contraband in the hole in the porch did not satisfy the plain-view exception.
- B. The officer was lawfully on the property, in a driveway which is quasi-public, where any other persons can go and therefore the plain-view exception applies.
- C. The officer was justified in going onto the property based on the probable cause established when she observed Isaac with the glass vial containing yellow tinted liquid.
- D. The officer was justified in going onto the private property of the dwelling as she had reason to believe that Isaac was trespassing.

49. A woman reported to police that she had been robbed saying that, as she was walking home, a man in a dark raincoat grabbed her by the back of the neck and pressed an object she believed to be a gun against her temple. The man demanded money and her cell phone. The victim did not have money but gave the man her phone. She observed the man fleeing south on Summit Avenue and turning west on Montgomery Street. She then ran into her home and called 911. The victim described the perpetrator as a male wearing a dark raincoat. When asked whether the man was “Black, White, or Hispanic,” she responded she didn’t see. The dispatcher relayed the victim’s description of the robber, including his last known direction and possible possession of a gun, to officers on patrol and added that the robber was a Black male. A minute later, the officers observed a Black male, James, wearing a dark raincoat jogging north on Bergen Avenue about three blocks from the robbery. James was the first Black male wearing a dark raincoat the officers saw in the area. The officers ordered him to stop. James was patted down for weapons by an officer. The frisk turned up an imitation handgun and the victim’s cell phone. In this scenario, a claim of racial discrimination can be made against:

- A. the dispatcher.
- B. the officers.
- C. both the dispatcher and the officers.
- D. None of the above.

50. Amanda struck a police officer and collided with two police cruisers. Amanda and the three injured officers were transported to the hospital. It was determined that Amanda was travelling at eighty-two miles per hour in a forty-five miles per hour zone. A blood draw showed her blood alcohol content was 0.268%. Detective Espinosa arrived at the hospital and spoke first to the injured officers in the emergency room. Two uniformed police officers were stationed outside Amanda's cubicle. Detective Espinosa walked up to Amanda's bed, introduced himself, and explained that he was assigned to investigate the accident. Amanda immediately complained of chest pain and said that she only had two shots prior to the crash. Espinosa told Amanda not to make any other statements. He clarified that he did not come to the hospital to ask her questions and that he wanted to interview her at a later date at the Prosecutor's Office. The entire interaction lasted less than five minutes. The next day, Amanda went to the Prosecutor's Office and invoked her *Miranda* rights. She was later charged with three counts of assault by auto. Which of the below statements is true regarding this scenario?

- A. Amanda was in custody and the detective's conversation with her is considered an interrogation requiring the advisement of *Miranda* rights.
- B. Amanda was in custody however no interrogation took place. *Miranda* warnings were not necessary.
- C. Amanda was not in custody and therefore no *Miranda* warnings were necessary.
- D. Amanda was not in custody however the detective's conversation with her is considered an interrogation requiring the advisement of *Miranda* rights.

51. Dennis calls 9-1-1 and anonymously reports a man with a gun outside. When police arrive and exit their patrol vehicles, Dennis points the red laser attached to his handgun at the officers' chests. Dennis is just testing how far the laser can go and has no intention of firing his gun. As a matter of fact, Dennis' handgun is unloaded. What can Dennis be charged with?

- A. Terroristic Threats
- B. Harassment
- C. Aggravated Assault
- D. None of the above

52. During a murder investigation and interrogation of 16-year-old Johnny, his mother, Jane, was brought to the station. When Johnny saw his mother, the two began to cry and embraced one another. Johnny told her that someone was killed, and he was not the shooter. Jane told him that the group he was with were not his friends and that he was not a gangster. She instructed him to tell the police what happened, and Johnny said, "I can't. They won't let me talk to them." A detective entered the room, told Johnny that he was under arrest for gun possession, but that they wanted to question him about a murder. The detective read the *Miranda* rights from a form, asked Johnny and Jane if they understood them, and instructed both to initial each right on the form if they understood it. As the detective was showing them where to sign the *Miranda* form, Jane interrupted, stating, "wait a minute." When she tried to explain the reason for her concern, a second detective interrupted Jane, telling her, "One second. Ma'am, because you have rights, so do we. We want to make sure that what we talk about is documented properly. Okay?" During the interview, the detective did not ask Johnny his age because he knew his birth date. Nor did he ask Johnny if he could read and write or the school grade he was in. Johnny's demeanor was melancholy and Jane's demeanor was alert and neither appeared confused. Johnny and Jane both initialed the form. Johnny confessed to being at the shooting however his friend, Luis, shot the victim. It was later determined that Johnny had been treated for ADHD, Oppositional Defiance Disorder, Bipolar Disorder and has an IQ of 73. Which of the below statements is true regarding this scenario?

- A. The confession would be upheld as both Johnny and Jane knowingly, voluntarily, and intelligently waived them.
- B. The confession would be upheld as Jane knowingly, voluntarily, and intelligently waived them.
- C. The confession would be suppressed as Jane did not voluntarily waive them.
- D. The confession would be suppressed as Johnny did not knowingly and intelligently waive them.

53. During a missing person's investigation, officers learned that missing eleven-year-old, Angie, was last seen playing on the second floor of her apartment complex, near unit 16A. Officers were called and responding officers knocked at 16A. Andreas Erazo answered, identified himself, and denied having seen Angie that evening. He allowed the officers to enter his apartment to look for Angie, but they found nothing suspicious. The next day, the police discovered Angie's partially naked body, wrapped in a bloodied futon cover, on the roof of a shed behind the apartment building, below a window of Erazo's apartment. Police brought Erazo to the police station to provide a witness statement. There Erazo sat unrestrained along with others—including the victim's family—in a lobby. Detective Grimes and Detective Jules escorted him to an interview room. At this point, the detectives believed they were taking a witness statement and thus did not administer *Miranda* warnings or record the interview. Sometime after this initial interview, the detectives learned that a neighbor, who lived in an apartment across the street from Erazo, saw someone matching Angie's description enter apartment 16A with someone matching Erazo's description on the day Angie disappeared. The neighbor positively identified Angie and Erazo from photos shown to him. In addition, the detectives spoke with Erazo's roommate who identified the futon cover as coming from Erazo's room. Now considering Erazo to be a suspect, the detectives moved him to an interview room, which had audio and video recording capabilities, to question him about the neighbor's statements. At the start of the second interview the detectives read Erazo his *Miranda* rights to which he waived. After some questioning, with the detectives pointing out several inconsistencies between Erazo's unrecorded first statement and his current *Mirandized*, recorded statement, Erazo stated that he would rather talk to the detectives off-camera. He then confessed. When the detectives asked Erazo for a DNA sample, he responded that he would like to talk to his lawyer. At this point, all questioning ceased. Which of the below statements is true regarding this scenario?

- A. Officers should have advised Erazo of his *Miranda* rights upon the first meeting at his apartment. All his statements will be suppressed at trial.
- B. Officers should have advised Erazo of his *Miranda* rights at the first interview. All his statements will be suppressed at trial.
- C. Officers should have advised Erazo of his *Miranda* rights at the first interview. Statements made during this interview will be suppressed at trial. Officers properly advised Erazo of his *Miranda* rights at the second interview and only these statements will be upheld at trial.
- D. Officers properly advised Erazo of his *Miranda* rights at the second interview and all his statements will be upheld at trial.

54. Police were dispatched to a campus residence hall regarding a report that Brad had made some concerning statements to another student about harming his girlfriend's parents. When an officer arrived to speak to the reporting party, he encountered Brad in the hallway of the residence hall. The officer then escorted Brad outside. Before advising Brad of his *Miranda* rights, the officer asked Brad if he knew why the officers were there. Brad responded that he made a statement about wanting to hurt his girlfriend and her family. After Brad made that admission, the officer recited a cursory version of the *Miranda* warnings and immediately resumed the questioning. Brad made further admissions. At police headquarters, detectives administered *Miranda* warnings and Brad signed a waiver form. Thereafter, two detectives conducted a video-recorded interrogation. Prior to the interrogation, one of the detectives stated that she was aware Brad already spoke to the officers and stated, "but we just have to do it again." Brad made additional incriminating statements, including details of his plan to kill his girlfriend's parents. Brad described physical evidence—work gloves and a bag of crushed-up Tylenol pills—that he had put in his car earlier that day but had since removed and placed in his dresser at home. Brad also admitted to using his cell phone to search for his girlfriend's parents' address to see if the house had any cameras. Brad was ultimately charged with attempted murder. Which of the below statement is true regarding this scenario?

- A. All of Brad's statements were the product of custodial interrogation and therefore advisement of *Miranda* rights was required. All his statements would be suppressed at trial.
- B. Brad's first statement to the officer was not the product of a custodial interrogation and therefore advisement of *Miranda* rights were not required. These statements would be upheld at trial.
- C. Brad's statements, made after being advised of his *Miranda* rights at the campus and at police headquarters, would be upheld at trial.
- D. Brad's first statement to the officer was the product of a custodial interrogation and therefore advisement of *Miranda* rights was required. and these statements would be suppressed at trial. However, Brad's statements, made after being advised of his *Miranda* rights at the campus and at police headquarters, would be upheld at trial.

55. Robert Brice robbed a bank in Anytown. His still photo was sent out in a TRAKs message to other law enforcement agencies. Nine months later, Joan read a newspaper article and saw an accompanying photo of a man wanted in connection with a different bank robbery in Overton. She recognized the person in the photo as Robert Brice, her former boyfriend. Joan contacted the police. Based on Joan's identification and other evidence, Brice was charged with three robberies (other than the Anytown robbery). Overton officials contacted the Anytown Police and suggested they investigate Brice for the robbery in Anytown. After viewing surveillance footage from the Overton robberies, the Anytown Police charged Brice with the bank robbery. Twenty months after the robbery, an Anytown detective showed the teller six photos, one at a time, and asked if he could identify the person who robbed the bank. The teller picked a photo of someone other than Brice and said that he was 75 to 90 percent sure of the identification. The next month, Joan was shown a single still photo taken from the bank surveillance video. She said she was 100 percent positive the photo depicted Brice. At trial (22 months after the robbery), the prosecutor asked the teller if he could identify the robber in court. The teller identified Brice, who was seated in between his lawyers at counsel table. The teller said he was maybe 80 percent sure. The prosecution did not provide advance notice of the in-court identification. During cross-examination, the teller revealed that he had met with the prosecutor prior to trial. The teller admitted that the prosecutor informed him that the individual who was accused of committing this robbery was in court seated at the defense table. Which of the below statements is true regarding this scenario?

- A. The State must file a motion if it intends to conduct a first-time in-court identification procedure.
- B. First-time in-court identifications can be conducted only when there is good reason for them.
- C. Defendants are entitled to advance notice and an opportunity to challenge in-court identification evidence before trial.
- D. All of the above are true.

56. Does the Child Luring (2C:13-6.a.) statute require that the State prove a defendant lured or enticed a child into traveling or accompanying the defendant to some location other than the victim's own home?

- A. Yes. The forbidden conduct element of the statute is to lure or entice a child to go somewhere.
- B. No. A child can be lured into staying alone, isolated, and vulnerable to meet an adult male for an illegal sexual encounter.
- C. Yes. An adult traveling to a child's location for the purpose of sex is not criminalized by the luring statute.
- D. No, however Child Luring is a 3rd degree crime if the child remains at home rather than a 2nd degree crime if lured away from the home.

57. During his campaign for the office of Devontown Mayor, Marty Muckins agreed to accept \$10,000 cash from Jonas Young, an attorney, in exchange for becoming Devontown's tax attorney once Marty was elected. Marty lost the election. Because he never took office and was never able to perform his part of the deal, who can be charged with 2C:27-2. Bribery in Official and Political Matters?

- A. Only Marty can be charged.
- B. Only Jonas can be charged.
- C. Both can be charged.
- D. Neither Marty nor Jonas can be charged.

58. Wanda is 92 years old and living in a nursing home. She tells her son, Luis, that one of the janitors, Bud, talks to her in a mean way and makes her sad. Luis writes a letter addressed to Bud and mails it to the nursing home. In the letter, Luis threatens to beat Bud up if he does not quit the nursing home immediately. What is the most appropriate charge Bud can file against Luis?

- A. Terroristic Threats
- B. Harassment
- C. Threats Against Healthcare Workers
- D. Intimidation

59. Anytown has adopted the state's model noise control ordinance. Hank is driving his car and blaring classic rock music from his radio. Officer Jules, is operating a decibel reader, and the device shows that Hank is in violation of the noise ordinance. Which of the below statements is true regarding this scenario?
- A. Hank can only be charged with either a Title 39 violation or a Municipal Ordinance violation.
 - B. Hank can only be charged with a Municipal Ordinance violation.
 - C. Hank can be charged with both a Title 39 and Municipal Ordinance violation
 - D. Hank can be charged with a 2C violation.
60. As Sam was walking home, he observed his neighbor's wife, Jane, in a vehicle with a man (not her husband.) The couple was engaged in a sexual act and Sam recorded the act on his cell phone. The video showed Jane in various states of undress and her exposed breasts. The next day, while his neighbor was at work, Sam approached Jane, showed her the video and demanded that she perform oral sex on him, or he would show her husband the video. What can Sam be charged with?
- A. Peering
 - B. Sexual Extortion
 - C. Lewdness
 - D. Stalking
61. At about midnight, two officers approached 215 Monroe Avenue (in a known narcotics area) based on information that a man was approaching motorists from that address and attempting to sell drugs. The house at 215 Monroe appeared to be abandoned. The front and back yards were filled with refuse, including mattresses, tires, and beer bottles. Although the front door was closed, its lock was broken, and its knob was hanging down. From the area of a broken window, the officers could see garbage throughout the living room and furniture that was torn up and thrown around. No lights were on. Despite frequent patrols in this area, no one had been seen at the house during the past month. The officers went in and searched the living room on the first floor, finding a brick of cocaine, some marijuana, and a key, all hidden together in a torn and dirty couch. When the officers moved to the second floor, they found Joe Miller near a closet, the door to which was lying on the floor against the wall. Miller, who lived elsewhere, placed a small object behind the door and stepped away. The officers retrieved the discarded item, a sandwich bag containing CDS, and arrested Miller. Which of the below statements is true regarding this scenario?
- A. The search of the house and Miller's arrest were unlawful.
 - B. The search of the house was lawful however Miller's arrest was unlawful.
 - C. The search of the house and Miller's arrest were lawful.
 - D. The search of the house was unlawful however Miller's arrest was lawful.

62. Daniel's landlady, Maria, arrived at the police department and informed Sergeant Caswell that she had discovered a gun in Daniel's bedroom, which was located inside the apartment she occupied with her family. Maria told the sergeant that because there were several small children living in the apartment, she wanted to find out if the gun was real or a toy. At the time Maria spoke to Sergeant Caswell, she did not know when Daniel would be returning home from work. When the sergeant expressed reluctance to enter to respond and enter Daniel's room, Maria became upset and told him that she would go get the gun herself. The sergeant then agreed to accompany Maria back to her apartment because he believed he couldn't have her handling a weapon, especially if she was unfamiliar with the weapon and if she thought it was a toy. Upon arrival at her apartment, Maria took Sergeant Caswell and another officer to Daniel's room, opened his closet, pulled out a metal box, and opened it. Inside there was a sock which contained a handgun. According to Maria, she obtained access to Daniel's metal box by forcing it open with a screwdriver. She also indicated that the doors to Daniel's bedroom and closet were closed when she entered to search for the gun, which Daniel had shown to her niece on an earlier occasion. Which of the below statements is true regarding this scenario?

- A. The police needed a search warrant to enter Daniel's bedroom, closet and metal box. The search and seizure of the gun were unlawful.
- B. The police were acting under the community caretaking function, and they did not need a search warrant. The search and seizure of the gun were lawful.
- C. The entry into Daniel's room and closet were lawful however the police needed a search warrant to seize and open the metal box. The seizure of the gun was unlawful.
- D. The entry into Daniel's room and closet, as well as the seizure of the metal box, were lawful, however the police needed a search warrant to open the metal box. The seizure of the gun was unlawful.

63. After attending a party at the home of a relative, Gina arrived at her residence. She parked her automobile, placed her automobile keys in her back pocket, and proceeded toward her front door with her house keys in her hand. As she neared her front door, Nick, stepped in front of Gina and demanded that she give her keys to him. Gina screamed and Nick struck the right side of her forehead with a metal object. Gina attempted to struggle with Nick but was struck again and fell to the ground. A second man, Pedro, approached and began to rifle through Gina's pockets. He demanded, "Give me the car keys or we'll kill you." During the struggle, Gina's house keys were taken from her. Which of the below is the most serious charge in this situation?

- A. Carjacking
- B. Theft from a Person
- C. Aggravated Assault
- D. Unlawful Taking of a Motor Vehicle

64. William attended a meeting of the Town Council. When the “good and welfare” portion of the meeting took place, he was given permission to speak for three minutes, the usual time allotted. During his talk, William addressed the mayor and council, and criticized their actions. When he characterized the council’s actions as “lawlessness,” a heated dialogue ensued, followed by a dispute between William and the mayor as to whether William had used up his three minutes. William was agitated, upset and red in the face and appeared menacing, alarming, rude, disrespectful, frustrated and disruptive. William was told to sit down but refused to do so. The mayor warned him that if he did not sit down, the police would remove him. William replied, “You get the police in here because I am not finished.” The police were summoned. The mayor told Sergeant Sully and Officer Finn that William was acting irrational and that they had to stop the council meeting and that they wanted him to be removed from the meeting. The sergeant approached William and asked him to leave the meeting. William said that the police would have to drag him out of there, that he wasn’t leaving. William told Sully that the police would have to arrest him, since he was not going to leave. Sullivan reported William’s response to the mayor, who indicated that he would sign a complaint for William’s interference with the meeting. At this point, Sully returned to William and advised him again that he would be arrested if he did not leave the meeting. If William refuses to leave, what could he be charged with?

- A. Unlicensed Entry of Structure
- B. Harassment
- C. Terroristic Threats
- D. Defiant Trespassing

65. 2C:21-6.c, Credit Card Theft states that a person who takes or obtains a credit card from the person, possession, custody or control of another without the cardholder’s consent or who, with knowledge that it has been so taken, receives the credit card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder is guilty of a crime of the fourth degree. It also states that a person who has in his possession or under his control credit cards issued in the names of _____ or more other persons is presumed to have violated this paragraph.

- A. two
- B. three
- C. four
- D. five