

PRINCIPAL COURT CLERK SAMPLE QUESTIONS

The questions shown below are for illustrative purposes only. They are examples of the different question types and formats that candidates may encounter on the multiple-choice examination. Questions that appear on the actual examination vary in difficulty and may be easier or more difficult than the questions illustrated below.

SAMPLE QUESTIONS:

1.

Part 202.8 of the Uniform Rules for NYS Trial Courts states that parties may stipulate to the adjournment of a motion without prior approval of the court no more than:

- A. two times for a total period of 60 days
- B. two times for a total period of 120 days
- C. three times for a total period of 60 days
- D. three times for a total period of 90 days

The answer to the Sample Question is C. According to Part 202.8 of the Uniform Rules for NYS Trial Courts, “No more than three stipulated adjournments for an aggregate period of 60 days shall be submitted without prior permission of the court.”

2.

Pursuant to CPLR 6223 (a), after the defendant has appeared in an attachment action, if the court determines that the attachment is unnecessary to the _____ it shall vacate the order of attachment.

- A. court
- B. defendant
- C. security of the plaintiff
- D. county

The answer to the Sample Question is C. According to CPLR 6223 (a), “If, after the defendant has appeared in the action, the court determines that the attachment is unnecessary to the security of the plaintiff, it shall vacate the order of attachment.”

3.

Pursuant to CPLR 3218 (b), no judgment may be entered after the:

- A. joinder of issue.
- B. defendant’s death.
- C. demand for discovery.
- D. termination of the matrimonial action.

The answer to the Sample Question is B. According to CPLR 3218 (b), “No judgment by confession may be entered after defendant’s death.”

4.

Pursuant to FCA 842, the court may award custody of the child, during the term of the order of protection to either parent, or to:

- A. an appropriate relative within the third degree.
- B. commit the child to an institution or agency.
- C. an appropriate relative within the second degree.
- D. to place or board out the child to an institution or agency.

The correct answer to this Sample Question is C. According to FCA 842, “The court may also award custody of the child, during the term of the order of protection to either parent, or to an appropriate relative within the second degree. Nothing in this section gives the court power to place or board out any child or to commit a child to an institution or agency.”

5.

Pursuant to FCA 307.2, a family court appearance ticket must be returnable within what time for acts alleged to be a designated felony?

- A. Within 72 hours excluding Saturdays, Sundays, and public holidays
- B. Within 14 days
- C. Within 7 days
- D. The next day the court is open

The correct answer to the Sample Question is A. According to FCA 307.2, *If the crime alleged to have been committed by the child is a designated felony..., the return date shall be no later than seventy-two hours excluding Saturdays, Sundays and public holidays after issuance of such family court appearance ticket.*

6.

After arraignment upon an information, a simplified information, a prosecutor’s information or a misdemeanor complaint, the local criminal court may, upon motion of the defendant, dismiss such instrument or any count thereof upon the ground that:

- 1. it is defective, within the meaning of CPL section 170.35
- 2. the prosecution is untimely pursuant to section 30.10
- 3. the defendant has been denied the right to a speedy trial

- A. 1, 2, and 3
- B. 2 and 3, but not 1
- C. 1 and 2, but not 3
- D. 1 and 3, but not 2

The answer to the Sample Question is A. According to CPL 170.30, *after arraignment upon an information, a simplified information, a prosecutor’s information or a misdemeanor complaint, the local criminal court may, upon motion of the defendant, dismiss such instrument or any count thereof upon the ground that a) it is defective, within the meaning of section 170.35; or b) the defendant has received immunity from prosecution for the offense charged, pursuant to sections 50.20 or 190.40; or c) the prosecution is barred by reason of a previous prosecution, pursuant to section 40.20; or d) the prosecution is untimely, pursuant to section 30.10; or e) the defendant has been denied the right of a speedy trial.*

7.

A motion to terminate a prosecution pursuant to CPL 180.85 may only be made where the count or counts of the felony complaint have not been presented to the grand jury or otherwise disposed. Upon the filing of such motion, the court shall fix a return date and provide the parties with at least _____ days written notice of the motion and return date.

- A. 5
- B. 15
- C. 30
- D. 45

The answer to the Sample Question is C. According to CPL 180.85 (2), a motion to terminate a prosecution pursuant to this section may only be made where the count or counts of the felony complaint have not been presented to the grand jury or otherwise disposed of in accordance with this chapter. Such motion shall be filed in writing with the local criminal court or superior court in which the felony complaint is pending not earlier than twelve months following the date of arraignment on such felony complaint. Upon the filing of such motion, the court shall fix a return date and provide the parties with at least 30 days' written notice of the motion and return date.