

### Question # 1

In a suit based on a will, the distribution of \$1 million depends upon whether the wife survived her husband when both died in the crash of a small airplane. An applicable statute provides that, for purposes of distributing an estate after a common disaster, there is a rebuttable presumption that neither spouse survived the other. A witness has been called to testify that as she approached the plane she heard what she thought was a woman's voice saying, "I'm dying," although by the time the husband and wife were removed from the wreckage they were both dead.

Is the witness's testimony admissible?

- (A) No, because the matter is governed by the presumption that neither spouse survived the other.
- (B) No, because the witness's testimony is too speculative to support a finding.
- (C) Yes, because the hearsay rule does not apply to statements by decedents in actions to determine rights under a will.
- (D) Yes, because it is relevant and not otherwise prohibited.

### Question # 2

A defendant was lawfully arrested for bank robbery, without an arrest warrant. He was not given Miranda warnings but was immediately taken to a police station, where he and five other men were placed in a lineup to be viewed by the bank teller who had been on duty at the time of the robbery. Each man was required to say the words spoken by the bank robber: "Give me all your money. I've got a gun." After all the men in the lineup spoke those words, the teller identified the defendant as the robber.

The defendant subsequently moved to suppress the teller's testimony, claiming that the lineup violated his privilege against self-incrimination. At the suppression hearing, the teller testified that she had not gotten a good look at the robber's face, because the robber had been wearing a hat pulled down over most of his face, but that she was certain the defendant was the robber because she had recognized his voice at the lineup.

Should the defendant's motion be granted?

- (A) No, because being required to speak at the lineup, while compelled, was not testimonial or communicative.
- (B) No, because testimony of a witness based on firsthand observation is not subject to exclusion as the fruit of the poisonous tree.
- (C) Yes, because the defendant was compelled to speak at the lineup, and this compelled speech led to the witness's identification testimony.
- (D) Yes, because the defendant was never informed that he could refuse to make a statement and that any statement could be used as evidence against him.

# Mbe Practice Questions

**Quest Bar Review**



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web nov 6 2009 i haven't seen into a bongo cooling system in depth but with a bypass system thermostat the disc at the bottom of the stat allows coolant to flow through the bypass system during warmup and whenever the stat opens the disc attached to the main thermostat valve moves down and closes off the bypass system and allows the full flow

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web nov 8 2009 the bongo system with the stat in the return to the engine setup does rely on the pump pumping the coolant around the engine whereas the conventional setup has the pump lifting the coolant from the lower radiator tank to the engine block

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web 1 first you need to find the drawing number of the hose you require for the main coolant hoses you should refer to the relevant schematic for instance 15 184 is the bottom radiator hose these schematics will open in a new window schematic for 2.5 v6 petrol bongos all versions schematic for wlt 2.5 diesel bongos all models

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disagree that only the radiator s top tank is in use for the majority of the time the coolant circulating around the various pipes and heater matrices is sufficient

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web jan 29 2016 the fans cannot be used on there own to gauge the condition of things as there are several other things that control the temp too age and condition of the rad condition and age of the thermostat and the fan trigger switch and the temp sender switch age and condition of the coolant all the above should be replaced frequently possibly

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web nov 9 2009 if the conditions then really demand extra cooling then the stat will fully open the bypass system will close off by the disc shaped valve and the entire cooling system will consist of the block head outlet hose under the driver s seat radiator lower radiator tank thermostat expansion aux tank heaters et al until things cool

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