

EVIDENCE
Wed 5 Aug 09

I set out below the questions for the Evidence exam. The format should be the same as the last time, i.e. 3 questions to be answered.

Hope this is ok.

Best wishes,
Fraser

Q.1. Adrian was six years old when his mother was murdered. His grandmother insists that shortly after the incident he told her that his father was the culprit, but since then he has said nothing of any kind to anyone. Indeed, he does not communicate with others in any way. His present condition is particularly shocking as everyone remembers him as an unusually precocious and articulate child. Would his alleged statement be admissible against his father in either,

- (a) civil proceedings brought against his father by his grandmother, or
- (b) his father's trial for the murder of his mother?

Suppose Adrian recovers from the trauma and is able to testify. He testifies that he has no idea who killed his mother. Would his alleged statement be admissible in either civil or criminal proceedings and, if so, for what purpose(s)?

Q.2. Give an account of the operation of public interest immunity.

Q.3. Explain the concept of judicial knowledge

Q.4. Explain the idea of the burden of proof

Q.5. How does the law regard improperly obtained real evidence in criminal cases?