

DEGREE OF
BARRISTER-AT-LAW
THE HONORABLE SOCIETY OF KING'S INNS

ENTRANCE EXAMINATION

LAW OF EVIDENCE

August 2023

DATE | **Tuesday, 15 August 2023**

TIME | 3 hours

EXAMINER | Ms Ruth Cannon BL

EXTERNAL EXAMINER | Mr Patrick Marrinan SC

Instructions

A candidate must answer **Question 1** (50% of marks) and **TWO** other questions (each 25% of marks).

This paper is 3 pages long including the cover sheet.

LAW OF EVIDENCE

Q1 | COMPULSORY QUESTION

50 MARKS

Susan, a doctor, is found bleeding and stabbed in the car park of the hospital where she works. She dies in the Emergency Department of that hospital an hour later. To doctors treating her shortly before her death, she utters the words: 'I knew this would happen, I have been telling people he would do this,' without identifying the person she is referring to.

In the week before her death, Susan had spoken to colleagues about emails and text messages threatening to kill her, which she had been receiving from a former patient, Declan, over an extended period.

Susan told colleagues that she had deleted the emails and messages after saving screenshots on her laptop. Susan's laptop was not with her when she was found and cannot subsequently be located. Recovery of text messages and emails deleted by Susan prior to her death has not been possible.

Investigation of Declan's background identifies that he has a previous conviction for sending threatening messages to an ex-girlfriend.

Advise the prosecution on the following points:

- (i) Can Susan's statement made shortly before her death in the Emergency Department be admitted in evidence?
- (ii) Can Susan's colleagues give evidence about the statements made by her to them regarding Declan's threatening emails and phone calls?
- (iii) Can the prosecution call evidence in relation to Declan's previous conviction for sending threatening messages?

LAW OF EVIDENCE

Q2

25 MARKS

Critically compare and contrast the corroboration warning required in the case of accomplice evidence with the identification evidence warning required in cases involving identification evidence.

LAW OF EVIDENCE

Q3

25 MARKS

Dominic is charged with fraud alleged to have been committed in 2016. The prosecution wishes to call Dominic's former wife, Anne, to whom he was married in 2010 and from whom he was divorced in 2017, to give evidence against him. Anne does not want to give evidence against Dominic.

Advise Anne as to whether she is compellable to give evidence.

LAW OF EVIDENCE

Q4

25 MARKS

Critically discuss the circumstances in which an accused who chooses to give evidence in their defence in criminal proceedings may be cross-examined under Section 1(f) of the Criminal Justice (Evidence) Act 1924 as to matters relating to their previous misconduct or bad character which would not otherwise have been admissible in evidence.

LAW OF EVIDENCE

Q5

25 MARKS

Critically compare and contrast litigation privilege and legal advice privilege.