

PCLL CONVERSION EXAMINATION JANUARY 2025

Title of Paper : Evidence
Date : 3 January 2025
Time : 2:30 p.m. – 5:30 p.m.

Instructions

1. This is an open book examination.
2. Write your **candidate number** on the cover of each answer book. Do **NOT** write your name in the answer book.
3. Start each answer on a separate page of the answer book.
4. Write your answers only in the answer books provided.
5. This is a three-hour examination.
6. **NO** reading time is designated for this paper.
7. This paper consists of 3 pages, including five compulsory questions. A total of 50 marks may be awarded. Candidates must answer ALL five questions. There is **NO** element of choice.
8. Each question is worth 10 marks.
9. The passing mark for this paper is 25 marks.

**DO NOT OPEN THIS QUESTION BOOK
UNTIL YOU ARE TOLD TO DO SO**

**PCLL Conversion Examination January 2025
Evidence**

Question 1 (10 marks)

King has been charged with rape and murder of his 16-year-old daughter. Carrie, King's wife, was also charged with assisting King in the rape and murder. The couple will face trial in the High Court. King wants Carrie to testify in his defence, that their daughter provoked King to commit the crimes. On the other hand, the Prosecution wants Carrie to testify for the prosecution. Carrie is unwilling to help either party.

Is Carrie a competent & compellable witness:

- (i) **for King? (7 marks)**
- (ii) **Would your answer in (i) change if Carrie has now pleaded guilty? (3 marks)**

Question 2 (10 marks)

Peter has been charged with assault. Peter calls Percy as his witness to support his defence that Peter was acting in self-defence. During the Prosecution's cross-examination of Percy, it was put to him that:

- (i) Percy had been convicted of possession of dangerous drugs in 2021, and
- (ii) Percy had testified as a witness for the Prosecution in a previous case concerning murder, in which the defendant in that case was acquitted by a jury. In that previous case, there were many gaps in the prosecution evidence. Percy is thus not a credible person.

Percy denied both challenges as being false. When the Prosecution was preparing to impeach Percy with proof of both matters, Defence counsel objected stating that such impeachment would violate the collateral finality rule.

Should the Prosecution be allowed to impeach Percy on those two matters? If your answer is yes to either of those two matters, how (i.e. with what evidence) could the Prosecution do it? (10 marks)

Question 3 (10 marks)

Johnny was charged with burglary. At the police station he signed a statement in which he stated "*I might have done it as I have been sleep walking lately.*" Johnny later tells his lawyer that at the police station when the statement was taken from him, nobody read him his rights, and the interview room was freezing cold. The interview was conducted in 3am in the morning, even though he had repeatedly asked the police officers for a chance to have some rest.

Discuss whether Johnny's statement is admissible at his trial? Discuss all possible objections which the Defence could raise. (10 marks)

Question 4 (10 marks)

Eric was charged with murder of his girlfriend. In his defence, Eric is running the defence of provocation, in that he suddenly lost his self-control. He wants to call Dr. Watson, a psychiatrist teaching at one of the renowned universities in the United Kingdom on this subject. The substance of Dr. Watson's intended evidence is that (a) Eric told him his girlfriend had admitted to cheating on him, and had ridiculed him for not being rich, and (b) Eric, while not suffering from any mental illness, is prone to provocation due to his family upbringing. Eric does not intend to testify at trial, but to only rely on Dr. Watson.

Discuss whether the evidence of Dr. Watson is admissible at the trial of Eric. (10 marks)

Question 5 (10 marks)

Gene, aged 45, is about to stand trial for fraud he allegedly committed through internet scams. He has 2 previous convictions for common assault, one when he was 15, another when he was 20 years old. Gene asks his Defence counsel to call his previous employer Jacob to testify to the effect that Gene was an honest and hardworking employee.

- (i) Is the proposed evidence of Jacob relevant? If yes, what direction(s) (if any), is the court likely to give with respect to Jacob's evidence? (6 marks)**

- (ii) Would your answer differ if, instead of helping Gene, Jacob testified that Gene had stolen tea bags from the office pantry in the past? (4 marks)**

~ End of Examination Paper ~