



# THE HONORABLE SOCIETY OF KING'S INNS

## ENTRANCE EXAMINATION

**AUGUST 2005**

|                           |                            |
|---------------------------|----------------------------|
| <b>Examination:</b>       | LAW OF EVIDENCE            |
| <b>Date:</b>              | MONDAY 22 AUGUST 2005      |
| <b>Time:</b>              | 10.00 a.m. – 1.00 p.m.     |
| <b>Examiner:</b>          | Professor Caroline Fennell |
| <b>External Examiner:</b> | Mr Patrick Marrinan SC     |

### **Instructions:**

**Candidates must answer question 1 from Section A and two questions from Section B.**

**Question 1 carries 50 marks.  
All other questions carry 25 marks each.**

## LAW OF EVIDENCE

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#### SECTION A

1. Jane is arrested on suspicion of malicious damage caused to a local abattoir. She is a prominent member of Activist for Animals and an experienced section 30 detainee. She is brought to her local Garda station where she is questioned by two detectives, Black & Blue. They inform her that there are no video recording facilities available at that station and proceed to question her. Jane becomes very agitated at the end of five hours interrogation as her son John is due to be collected from school. She is allowed make a phone call to her mother to arrange collection. Her mother agrees to collect John, but urges Jane to come home soon and start acting like 'an ordinary mother'. Jane also places a phone call to her solicitor, to whom she speaks briefly. The detectives are most solicitous during these calls, bringing her tea and biscuits as well as opening the windows to allow in fresh air. Jane then requests that they get the questioning over with as soon as possible 'even if it has to go on through the night' as she is anxious to get home. In the course of interrogation it becomes obvious to detectives Black & Blue that Jane has a much higher profile amongst animal activist direct action groups than they had heretofore appreciated. When some hours later they mention in passing the death of a local chicken factory merchant during a fire which forensics revealed had been maliciously set in his premises Jane responds: 'I know that you know I was involved but you will have to prove it all the way' Discuss the evidentiary issues arising.

LAW OF EVIDENCE

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SECTION B

2. Write a note on 2 of the following:
  - (a) Expert Opinion Evidence
  - (b) Statutory provision for inferences from silence
  - (c) Journalistic privilege
3. Critically assess the rise and fall of corroboration rules under Irish law.
4. Give an account of the circumstances in which, in criminal proceedings, evidence of the character of the accused may be adduced because of its relevance either to a fact in issue or to his/her credibility.