



THE HONOURABLE SOCIETY OF KING'S INNS

ENTRANCE EXAMINATION

AUGUST 2020

Examination: LAW OF EVIDENCE

Date: Monday 31 August 2020

Time: 3.5 hour examination

Internal Examiner: Ms Ruth Cannon BL

External Examiner: Mr Patrick Marrinan SC

INSTRUCTIONS:

**Candidates MUST attempt Question 1 and any other TWO questions.
Question 1 carries 50 marks. All other questions carry 25 marks each.**

This paper is 4 pages long including the cover sheet.

QUESTION 1 Compulsory

Maura and Grainne, two teachers in a boarding school on the Aran Islands, are found dead close to the school as a result of a violent beating. Michael, a local fishing captain and former student at the school, is charged with their murder.

The evidence against Michael is as follows:

- (i) A hurley, found on his fishing boat, containing traces of substances identified as the blood and hair of at least two unidentified persons of unknown gender. Michael says that the hurley was used by him for inter-island matches, which often became bloody.
- (ii) Emails, sent by Michael to Grainne, professing his love for her and his intention to 'haunt her steps' until she realises his status as her soulmate.
- (iii) Emails, sent by Michael to several other women on the island, containing the same professions of love.
- (iv) Evidence as to the deaths of at least two of these women in unexplained circumstances, during a solitary cliff walk.
- (v) A letter, left by one of the women at (iv) above prior to her death, in which she stated that she believed that Michael was the writer of the letters, and might kill her.

The defence does not dispute the admissibility of (i), but objects to (ii) and (iii) as inadmissible hearsay and (iv) and (v) as inadmissible evidence of past misconduct.

Advise the prosecution as to whether or not (ii), (iii), (iv) and (v) can be admitted as evidence against Michael, also considering, in relation to (iii), (iv) and (v), whether, even if they cannot be admitted as part of the prosecution case, Michael can nonetheless be cross-examined as to these matters if he gives evidence.

[50 marks]

QUESTION 2

Jay-Jay, a theatrical agent, is charged with historical sexual offences against Mary, a successful actress and long-standing client. The earliest alleged offence dates from 1992, when Mary was ten, and the most recent from 1996, when she was fourteen. Mary did not tell anyone about the offences until 2019, when newspaper coverage of Harvey Weinstein's arrest led her to realise that others ought to be protected from Jay-Jay; she immediately went to the local Garda station to make a complaint. Until then, Jay-Jay remained her mentor, manager and (in her own words) "my best friend". Advise Jay-Jay as to whether the tearful account of events given by Mary for the very first time to the Gardaí in 2019 can be admitted in evidence against him under the doctrine of recent complaint.

[25 marks]

QUESTION 3

Critically discuss the circumstances, if any, in which peculiar knowledge of a party to criminal or civil litigation regarding a particular fact in issue may result in a shifting of the legal or evidential burden of proof in respect of that fact onto the party with the peculiar knowledge.

[25 marks]

QUESTION 4

Deirdre is charged with the murder of her golf buddy, Venetia. The prosecution seeks to call Deirdre's psychoanalyst, Doreen, to give evidence of Deirdre's professed jealousy and anger towards Venetia. Advise Deirdre as to whether or not she can claim that Doreen's evidence is privileged.

[25 marks]

QUESTION 5

Critically discuss the level of "oppression" that is required to render a confession involuntary and inadmissible.

[25 marks]