

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

ENTRANCE EXAMINATION

LAW OF EVIDENCE

_____ 2025

DATE | _____ 2025

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

Michael is charged with the rape of Susan, an office colleague, after an office work party which took place on a Friday night. Susan became intoxicated at the party and Michael gave her a lift home, where Susan alleges that she was raped by him.

Susan, who lives alone, did not tell anyone of the alleged rape until Sunday, when she reported it to Gardaí. She states that this was because she spent Saturday, the day after the alleged rape, feeling unwell, with memories of the rape coming back gradually during the day.

Michael denies that he ever had sexual intercourse with Susan, but text messages sent by him to his friends in the early hours of Saturday morning contain an assertion that he had had sexual intercourse with her an hour or so previously. Advise the prosecution as to the following:

- (i) Whether the statement made by Susan to Gardaí on Sunday may be referred to in support of her oral evidence regarding the alleged rape.

- (ii) Whether the text messages sent by Michael to his friends in the early hours of Saturday morning, in which he asserts that he had had sexual intercourse with Susan an hour or so previously, may be admitted in evidence in either or both of the following two alternative situations:
 - (a) If Michael gives evidence in his defence

 - AND

 - (b) If Michael does not give evidence in his defence.

LAW OF EVIDENCE

Q2

25 MARKS

Critically contrast the following as applied in criminal proceedings:

(i) the legal burden of proof

AND

(ii) the evidential burden.

LAW OF EVIDENCE

Q3

25 MARKS

Sam, who was diagnosed with lung cancer in 2023, becomes aware that asbestos, a known carcinogenic, has been found in his place of work.

Sam subsequently brings proceedings for civil negligence against his employer. In these proceedings, Sam seeks discovery of a building condition report commissioned by his employer in 2020 with a view to assessing the lung cancer risk in Sam's workplace.

Sam's employer claims privilege in respect of this report on the basis that it was commissioned for the purpose of minimising the employer's potential liability to employees who had been or might be diagnosed with lung cancer. Two other employees had recently been diagnosed with lung cancer shortly before the commissioning of the report, although, as of 2020, no proceedings by these employees against the employer were either pending or contemplated.

There is nothing on the face of the report which indicates the purpose for which it was prepared.

Advise Sam as to whether his employer is entitled to claim legal professional privilege in respect of the report.

LAW OF EVIDENCE

Q4

25 MARKS

Critically discuss the circumstances in which an accused who has put their good character in issue may be cross-examined as to their previous misconduct under Section 1(f)(ii) of the Criminal Justice (Evidence) Act 1924, as amended.

LAW OF EVIDENCE

Q5

25 MARKS

Compare and contrast the required content of the following warnings:

- (i) The corroboration warning required to be given by a judge to a jury in criminal proceedings in which an accomplice has given evidence against the accused

AND

- (ii) The identification evidence warning required to be given by a judge to a jury in criminal proceedings in which a witness has given evidence identifying the accused as the perpetrator of the crime.