



THE HONORABLE SOCIETY OF KINGS INNS
ENTRANCE EXAMINATION
AUGUST 2018

Examination: Law of Evidence
Date: Friday 18 August 2018
Time: 10.00 a.m. – 1.00 p.m.
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 3 pages long including the cover sheet. You should check that you have all the pages and inform the invigilator immediately if any are missing.

QUESTION 1

Scott is charged with the murder of two sisters, Anne (aged 12) and Mary (aged 11), who disappeared while visiting a shopping centre in Waterford in the week before Christmas 2017. Their injured bodies were found six hours later behind bushes at the edge of a nearby beach. Both girls had been badly beaten. Anne died in the ambulance on the way to hospital and Mary died four hours later in hospital. Scott was a neighbour and acquaintance of the girls and also a member of the security staff at the shopping centre at the time of their disappearance. Scott's defence team has objected to the following items of evidence sought to be adduced by the prosecution in support of its case against him:-

- A statement, made by Mary in the ambulance on the way to hospital, identifying Scott as the person who had attacked her.
- Scott's previous conviction (2017) for possession of child pornography, including a large amount of pornographic images involving pre-teen girls.
- A signed statement made by Scott to Gardaí, confessing to the attack on Mary and Anne, made during a period of detention for questioning. The legislation under which Scott was detained has recently been held unconstitutional.
- The evidence of Benny, a counsellor attended by Scott, that Scott confessed during a recent counseling session that he had been the person who carried out the attack on Mary and Anne.

Advise the prosecution as to whether or not all or any of the above items of evidence are admissible as evidence against Scott.

[50 Marks]

QUESTION 2

Critically discuss the circumstances in which out-of-court statements by complainants in sexual offence cases may be admitted by way of exception to the rule against narrative.

[25 Marks]

QUESTION 3

Josephine, a doctor, is on trial for the manslaughter of her daughter, Iseult. At trial, Dora, one of Josephine's colleagues, gives evidence of Josephine's extensive charitable work. Advise the prosecution if they are entitled to cross-examine Josephine as to her numerous previous convictions for Revenue offences.

[25 Marks]

QUESTION 4

Desmond is on trial for the murder of Susan. In his summing up, the trial judge directs the jury that they must only convict if they are 'pretty satisfied' that all the ingredients of the offence of murder are present, but that if so satisfied, they should convict. Desmond, who admitted killing Susan but argued that he was acting in self-defense, requests advice as to his chances of appealing his conviction.

[25 Marks]

QUESTION 5

Critically discuss the content of the warning which should be given by a trial judge to a jury in a criminal case involving identification evidence.

[25 Marks]