

PCLL CONVERSION EXAMINATION JUNE 2010

Title of Paper : Evidence
Date : 25 June 2010
Time : 2:30 p.m. – 5:30 p.m.

Instructions

1. Write your **candidate number** on the cover of each answer book. Do **NOT** write your name in the answer book.
2. Start each answer on a separate page of the answer book.
3. Write your answers only in the answer books provided.
4. This is a three-hour examination.
5. This is an open book examination.
6. **NO** reading time is designated for this paper.
7. This paper consists of 2 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. Where a question is in two parts, all parts must be answered.
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**

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Evidence

Question 1

In most criminal proceedings a court may act on the evidence of a single, unconfirmed witness. Historically, there were two main exceptions to this rule. However, the position has now changed. Briefly explain the law of corroboration at common law and set out the main exceptions and current statutory rules in Hong Kong.

(10 Marks)

Question 2

What is circumstantial evidence and how does it differ from direct evidence? Give example of both.

(10 Marks)

Question 3

Where there is no direct evidence that the defendant committed the offence charged but there is independent evidence that he committed other 'similar offences' then evidence of 'similar fact' may be admitted. Discuss.

(10 Marks)

Question 4

In criminal trials in Hong Kong the law of evidence reflects a special risk of mistake inherent in evidence of visual identification. Discuss, giving examples of circumstances where the law says that mistakes as to identity might occur.

(10 Marks)

Question 5

Explain the voir dire procedure and the 'alternative procedure'. Using examples, describe the circumstances in which a voir dire is used.

(10 Marks)

~ End of Examination Paper ~