

Evidence

Monday 13th May 2024

2.30pm to 4.00pm

Candidates are required to answer TWO out of three questions.

Candidates should note that in examination answers, they are expected to cite relevant authority.

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Question 1

The case: HMA v CLB [2023] HCJAC 40 represents a fundamental change in the law of corroboration.

Discuss.

Question 2

In what circumstances might an accused's schedule of previous convictions be put before the jury? Refer to authority.

Question 3

Jason is accused of three armed robberies. One at Lidl in Leith in January 2022, and one at Margiotta's in Morningside in February 2023. The Crown intend to lead evidence from witness Smith, who will testify to seeing a man running away from Lidl wearing an Alex Salmond mask, carrying a shotgun, and climbing into a blue van. Witness Smith is prepared to state that the masked figure "was Jason", based on a similarity of build, (ie heavy build).

There is also evidence from witness Jones, who remembers giving a statement to the police after the Morningside robbery but can't remember the terms of the statement. Witness Jones accepts that he was very drunk at the time of the incident. There is evidence from a police officer that witness Jones described a man of heavy build with a shotgun, wearing a Nicola Sturgeon mask driving off in a blue van.

In relation to the third robbery, Jason was arrested at the scene after he ran out of Greggs in Stockbridge wearing a Humza Yousaf mask and ran straight into a policeman. Jason was interviewed at the scene of the third robbery and admitted to all three robberies.

Discuss the available evidence against Jason, in terms of admissibility and sufficiency.

END OF PAPER