

Evidence

Monday 12 May 2025

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

Four men have been interviewed in relation to the recent armed robbery of a bank in Edinburgh.

Police officers visit the house of Adam, after receiving confidential and reliable information that he was the mastermind behind the robbery. When Adam answers his door, the officers engage him in conversation about his recent activities, and eventually ask him directly where he was when the robbery was committed. Adam replies that he was at home with his wife at the time, whereupon his wife shouts from the kitchen "No you weren't, you're lying, don't drag me into all this!". Adam then says "I'm not saying another word until I speak to my lawyer".

Barrie is in police custody, having been detained for interview in relation to the robbery. He has been informed "You do not have to say anything." and was offered access to a solicitor, which he declined. In response to extensive and aggressive police questioning Barrie admits being part of the "team" that "did the bank". He goes on to say "It was all Charlie's idea".

Police officers then visit the house of Charlie. He is detained, conveyed to his local station and offered access to a solicitor, and fully cautioned. He requests a solicitor be present during his interview, and then during interview is vehement that he had "absolutely nothing to do with it", and that Barrie had tried to recruit him for the robbery, but he (Charlie) had refused to be a part of it. Charlie goes on to say that Barrie visited him the day after the robbery, with a hold-all full of cash, saying "Look what you missed out on!". Charlie was in the company of a man called 'Donny' at this time.

Donny just so happens to be in police custody for another matter, so officers interview him in relation to the robbery. Donny says "I confess. I was part of the team that did the bank. We were wearing clown masks and had shotguns." The officers had not mentioned clown masks before Donny said this, however there was a story in the local newspaper that morning about the robbery, and the story reported that the perpetrators had been wearing masks.

Adam, Barrie, Charlie, and Donny are soon to go on trial for the robbery. Advise the Crown on the use that can be made of the statement or statements made by each of the accused. Refer to authority.

Question 2

What is a 'de recenti statement'? What is the evidential significance of such a statement. Refer to authority.

Question 3

How does the court approach the issue of admissibility of evidence in civil cases? Refer to authority.

END OF PAPER