

Course No:  
Course Title: Law Of Evidence  
Date: 14/01/2018  
No. of Questions: (4)  
Time: Two hours  
Using Calculator (No)

University of Palestine



Final Exam  
December 2017/2018  
Total Grade:50

Instructor Name: Dr. Nafiz Almadhoun  
Student No.: \_\_\_\_\_  
Student Name: \_\_\_\_\_  
College Name: \_\_\_\_\_  
Dep. / Specialist: \_\_\_\_\_  
Using Dictionary (No)

**Question One:**

**15 Marks**

**Decide whether the statements are true or false: -**

- 1- ( ) Cross-Examination is the witness' opportunity to tell their story to the court
- 2- ( ) Circumstantial evidence is evidence of a fact or facts, from which the parties are asked to infer other facts;
- 3- ( ) It is entirely possible for a person to be convicted on the basis of circumstantial evidence alone;
- 4- ( ) Circumstantial evidence is most powerful when used together with other evidence, either as links in a logical chain, or as "strands in a rope" .
- 5- ( ) similar fact evidence is evidence which shows that several offences are so similar; or that several complaints are so similar, that the offences must have been undertaken by the same person;
- 6- ( ) The purpose of any prosecutor or plaintiff, when planning a case, is to identify the elements of the charge (or, in a civil context, the cause of action) and then to provide evidence of each fact required in order to make out those elements.
- 7- ( ) A person cannot be convicted on the basis of circumstantial evidence alone.
- 8- ( ) If the inferences from the circumstantial evidence place the jury in a position where there is no room for reasonable doubt, then there is no reason not to convict the offender.
- 9- ( ) It's not even necessarily true to say that circumstantial evidence is weaker than direct evidence.
- 10- ( ) Circumstantial evidence must be combined with *other* evidence in order to affect a fact in issue.
- 11- ( ) Opinion evidence comes in two basic forms: Professional opinion evidence, and expert opinion evidence.
- 12- ( ) If an expert witness begins giving opinions which are *outside* their acknowledged area of expertise, then they are no longer giving expert evidence.
- 13- ( ) Non-expert opinions are opinions given by witnesses who have been called upon because they can give evidence about things in their acknowledged area of expertise .
- 14- ( ) Expert opinion evidence, occurs when the court calls upon an expert in a field other than law, to assist the court to understand the facts before it.
- 15- ( ) The fundamental common law rule is that evidence of opinions is admissible in all cases.

**Question Two:**

**10 Marks**

**Chose the correct answer:**

- 1) Strict rules surround the giving of expert evidence. In particular, the side calling on the expert must actually do the following Except
- a) Demonstrate that the witness *is* an expert;
  - b) The witness will be limited to answering questions only in relation to their field of expertise.
  - c) The expert's evidence can only ever be for the guidance of the court.
  - d) The court - including the jury in a jury case – are not free to ignore or depart from the expert's opinions if they are unpersuaded.

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**2) After an automotive accident, a lawyer asks a witness “Do you believe the driver was driving badly?” You object. What is the grounds of your objection?**

- a) The evidence is opinion evidence;
- b) The witness is not an expert able to answer that question;
- c) There is no objective way to measure “good” or “bad” driving;
- d) A judgment like that should be made by an expert.

**3) You are arguing a torts matter, but it has given rise to a constitutional issue. To assist the court you have arranged for a senior Professor in Constitutional Law to be available to give evidence. What boundaries must the Professor remain within?**

- a) She must confine her expert opinions to constitutional law;
- b) She must state the factual basis for her views;
- c) She must explain if her views diverge from the mainstream of expert opinion;
- d) She will not be allowed to give evidence at all.

**4) All of the following are true about opinion evidence Except?**

- a) Opinion evidence is evidence where the witness does not just relate facts, but also relates inferences which they have drawn from those facts;
- b) Opinion evidence by experts is generally inadmissible that opinion evidence from experts may be admissible.
- c) Opinion evidence may be given by experts, and by non-experts; and that these two types of opinion evidence are treated differently.
- d) Opinion evidence is only ever admissible where it assists the court in some way to form views which the court is unable to form without the assistance of the opinions.

**5) Which of the following is not circumstantial forms of evidence?**

- a) Fingerprints obtained at a crime scene;
- b) Stolen property located in the home of a suspect;
- c) An eyewitness account of a suspect picking the lock on a shop door;
- d) A sudden, unexplained increase in the balance of a suspect’s bank account.

**6) For Dying Declaration hearsay exception to apply, the following conditions must be strictly met except :**

- a) The maker of the dying declaration must be dead.
- b) The trial must be for the declarant’s murder or manslaughter.
- c) The statement must not relate to the *cause* of the declarant’s death.
- d) The declarant must have been, at the time of the declaration, competent to give evidence.

**7) Samir, who is battling cancer, tells his brother that a few years previously, Samir had assisted another man, Nabil, to dispose of a murder victim. He had never told anyone because he was worried about going to jail. Samir was still hoping to beat his cancer, but shortly afterwards he succumbed and died. At the trial of Nabil, which is true?**

- a) Samir’s brother cannot give evidence of Samir’s statement;
- b) Samir’s brother can give evidence of Samir’s statement because it was against Samir’s pecuniary or proprietary interests;

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- c) Samir's brother can give evidence of Samir's statement because it was against Samir's penal interests; or
  - d) Samir's brother can give evidence of Samir's statement because Samir had a settled and hopeless expectation of death.
- 9) During which of the following are leading questions allowed as a matter of normal practice?**
- a) examination in chief
  - b) cross-examination
  - c) re-examination
  - d) b & c
- 10) The hearsay statements by deceased persons may be admissible in all of the following Except**
- a) If they were contrary to the cultural interests of the deceased.
  - b) If they were made under a duty.
  - C) If the were made with the belief that death was imminent and inevitable.
  - d) If they were made by a testator and related to their testamentary affairs;

**Question Three: 10 Marks**

For the purpose of the law of Evidence. Define the following legal terms :

**1-Inference:**

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**2- View:**

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**3- Circumstantial evidence:**

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**4- Propensity evidence:**

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**5- Testamentary statement:**

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**Question Four:** **15 Marks**

( 1) Essentially the court has recognized four circumstances in which the statements of a deceased person may be admitted into evidence. What are they?

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( 2) There are three categories of Evidence Relating to the Defendant. What are they? Explain in brief?

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(3) Expert evidence must be given within the bounds of a range of requirements and limitations, in order to ensure that the evidence is helpful to the court . What are they?

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End of Questions  
*Good Luck*  
**Dr/ Nafiz Almadhoun**