

Course No:
Course Title: Law Of Evidence
Date: 27/11/2017
No. of Questions: (3)
Time: One hour
Using Calculator (No)

University of Palestine



2st Mid- term Exam
2017/2018
Total Grade:15

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

Question One:

5 Marks

Decide whether the statements are true or false: -

- 1- The first step in a criminal trial is that the defendant is *arraigned* ()
- 2- The first rule regarding photographs as documentary evidence is that the photographer must be available to give evidence.()
- 3- Remote hearsay is hearsay which is not first hand. ()
- 4- Cross-Examination is the witness' opportunity to tell their story to the court ()
- 5- The law in Australia has recognized that an apology is a legal, rather than a social statement()

Chose the correct answer:

1- Which of the following statements, to a witness during preparation, would go beyond "proofing" and become "coaching"?

(a) We need you to provide as much detail as you can about the car you saw. Think about the make, the model, the age, the colour. Was it dented? Did it look well-looked after? Washed? Any stickers? All of this information is important.

(b) Stick to your guns, and don't let the other lawyer make you doubt yourself.

(c) It would be very helpful to our case if you chose not to reveal that you once dated the accused.

(d) a & c

2- 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

3- Which of the following are disadvantages associated with using documentary evidence?

(a) It is never possible to know precisely who wrote a document;

(b) Documents are always hearsay, and are not usually written under oath;

(c) If documents were allowed in evidence on the same basis as oral testimony, before long virtually all evidence would be by document;

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(d) All of the above.

4- Which of the following statements would not be hearsay?

- (a) Kelly told me that she had fallen in love with Alix.
- (b) Kelly threatened to damage my car if I didn't help with her alibi.
- (c) Kelly admitted to me that she had been speeding.
- (d) Kelly got off the phone and told me she'd been talking with Alix.

5- Why is the *probative value* of hearsay lower than that of direct evidence?

- (a) Because there is rarely a logical connection between hearsay evidence and a fact in issue.
- (b) Because a person who gives hearsay evidence did not observe anything for themselves;
- (c) Because where there is hearsay evidence, the original statement cannot be tested through cross-examination; surviving cross-examination is a good indication of strong evidence; and
- (d) b& c

Question Two: 5 Marks

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

- 1- **Cross-Examination:**
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- 2- **View:**
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- 3- **First-Hand Hearsay:**
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- 4- **Books of Account:**
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- 5- **Admission:**
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Question Three:

5 Marks

1- Mention the four basic elements to the rationale of having a hearsay rule.

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2- Formal Admissions are different from admissions in a number of key ways. Explain in brief?

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End of Questions
Good Luck