

EVIDENCE Part 1

General principles relating to evidence

The first rule of evidence is that it must be relevant to be admissible. For the evidence to be relevant, those facts which are subject to being proved or disproved must amount to:

- Facts in issue, i.e. those which need to be proved by one party;
- Relevant facts, i.e. those which tend to prove the facts in issue;
- Collateral facts which may for example affect the credibility and/or competence of a witness.

Types of evidence

There are a number of different types of evidence:

- Testimony – the oral statement of a witness made on oath in open court and put forward as evidence of the truth of what he or she says.
- Real evidence – this is usually a material object of some kind, which is produced for inspection, either to prove that it exists, or so that the court can make an inference as to its condition or value, for example ripped clothing, a knife or burnt document.
- Hearsay evidence – when a witness, or someone else, makes a statement other than in the course of their testimony, this is referred to as an ‘out of court statement.’ Hearsay evidence is an out of court statement which is being relied upon to prove the truth of its contents.
- Original evidence – this is an out of court statement offered for a relevant purpose other than proving the truth of its contents, for example to prove something was said at all.
- Documentary evidence – this consists of documents which have been produced for inspection by the court. These may be items of real evidence, original evidence or hearsay.

Real evidence

Real evidence usually takes the form of some kind of material object produced before the court. It is normally produced to show that it exists or so that an inference can be drawn from its physical properties or its condition, or from the fact that it was found at a particular place or in someone’s possession. An example of real evidence would be a knife alleged to have been used in the commission of a murder or faulty goods produced to show evidence of the particular fault in question.

Real evidence includes: material objects; the appearance of people/animals; demeanour of witnesses; views and documents.

In Brief [online], [dostęp 31.01.2018] dostępne w Internecie: [http:// www.inbrief.co.uk/court-proceedings/evidence/](http://www.inbrief.co.uk/court-proceedings/evidence/)

Dictionary of Legal terms S.H. Giffis, Barron’s Educational Series, Inc.; Oxford Advanced Learner’s Dictionary International Student’s Edition

I. Match the expressions with the definitions:

1 admissible evidence	A secondary, indirect
2 relevant	B a material object presented before the court, the appearance of people/animals, views
3 collateral	C an out of court statement to prove something was said
4 testimony	D documents presented to the court for inspection
5 real evidence	E that may be introduced in court to aid the judge and the jury in deciding the case
6 hearsay evidence	F statement made by a witness under oath, usually related to a legal proceeding
7 original evidence	G closely connected with the subject; valuable, useful
8 documentary evidence	H any statement other than by a witness while testifying at the hearing, offered to prove the truth of the matter stated

II. Answer the questions:

1. What is the first rule of evidence?
2. What are relevant facts?
3. What are collateral facts?
4. What types of evidence are there?
5. What does 'hearsay evidence' mean?
6. What is original evidence?
7. What form does the real evidence take?
8. What does real evidence include?

III. Mark the below sentences as true/false

1. Collateral facts are the most important evidence.
2. Evidence must be relevant to the facts in order to be admitted.
3. The oral statement of a witness is called documentary evidence.
4. Testimony is presented in court as evidence that a witness says the truth.
5. Hearsay evidence means statements said outside court which can be relied on to prove the truth of its contents.
6. Real evidence is a statement offered to prove that something was said.
7. Real objects, appearance of people or animals, witnesses' behaviour, documents are included in real evidence.

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