

9

Principles and Procedures to Admit and Exclude Evidence

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SQE1 syllabus

This chapter will enable you to achieve the SQE1 Assessment Specification in relation to Functioning Legal Knowledge concerned with the following procedures and processes:

- burden and standard of proof;
- visual identification evidence and Turnbull guidance;
- inferences from silence ss 34, 35, 36, 37, 38 Criminal Justice and Public Order Act 1994;
- hearsay evidence:
 - definition
 - grounds for admitting hearsay evidence
- confession evidence:
 - definition
 - admissibility
 - challenging admissibility ss 76 and 78 PACE 1984
- character evidence:
 - definition of bad character
 - the 7 gateways s 101(1) Criminal Justice Act 2003
 - procedure for admitting defendant's bad character
 - court's powers to exclude defendant's bad character
- exclusion of evidence:
 - scope and application of s 78 PACE and the right to a fair trial.

Note that, for SQE1, candidates are not usually required to recall specific case names or cite statutory or regulatory authorities. These are provided for illustrative purposes only unless otherwise stated.

Exclude Evidence Manual

**Stephen A. Saltzburg, Michael M.
Martin, Daniel J. Capra**



Exclude Evidence Manual:

Texas Rules of Evidence Manual - Tenth Edition David A. Schlueter, Jonathan D. Schlueter, 2015-07-01 Texas Rules of Evidence Manual provides an updated comprehensive reference to Texas evidence for both civil and criminal cases The book provides a rule by rule analysis of each Rule of Evidence This sturdy hard cover text is designed for heavy use in the courtroom This text helps those who are bound to use the Texas Rules of Evidence whether it is the bench or the bar or those studying evidence While the text contains some academic discussions the book is designed to explain what a particular Rule requires or prohibits to indicate what the appellate courts have said about the Rules and to offer some practical pointers on using the Rules The book itself has been designed to make it as useful as possible to the harried judge counsel and student who must quickly find the law Following each Rule is an editorial commentary on the Rule explaining how the Rule works what the Texas courts have said about the Rule and how it compares with the Federal Rule because Texas courts often review federal precedent where they find it helpful in applying a Texas Rule When appropriate practical pointers are also provided on how to use the Rule Where the Rules apply in the same fashion for both civil and criminal cases those points are discussed together On the other hand where they diverge the authors have used separate headings for Civil and Criminal when that seems appropriate One of the objectives of the Editorial Analysis in this text is to deal with the interrelationships of the various Rules The authors have noted those areas where the Rules differ from pre Rules case law or statutory provisions Some of the Rules changed the prior Texas evidence law and although many of the Texas Rules agree with the Federal Rules a number differ significantly *Practical Evidence Manual* Mark B. Simons, 1995 **Federal Rules of Evidence Manual** Stephen A. Saltzburg, Kenneth Robert Redden, 1982 **Federal Rules of Evidence Manual** Kenneth Robert Redden, Stephen A. Saltzburg, 1975 **Weinstein's Evidence Manual** Jack B. Weinstein, 1987 **Weinstein's evidence manual**, 2004 *A Manual of Federal Evidence* John Elliott Byrne, 1928 *Manual of the Law of Evidence in Scotland* Walter James Lewis, Wally Lewis, 1925 *Student Edition of Weinstein's Evidence Manual* Jack B. Weinstein, Margaret A. Berger, 1999 By the authors of the leading multi volume evidence treatise for attorneys Federal Rules of Evidence Manual: Rules 405-501 Stephen A. Saltzburg, Michael M. Martin, Daniel J. Capra, 2002 A complete guide to the Federal rules of evidence *Federal Rules of Evidence Manual: Rules 801-807* Stephen A. Saltzburg, Michael M. Martin, Daniel J. Capra, 2002 A complete guide to the Federal rules of evidence *Military Rules of Evidence Manual* Stephen A. Saltzburg, Lee D. Schinasi, David A. Schlueter, 1997 Military Rules of Evidence Manual Fourth Edition is the only publication of its kind available to both military civilian attorneys that analyzes what the Rules say mean to judges counsel in the military justice system It also serves as an authoritative case finder Since the Rules became effective in 1980 this book has been cited hundreds of times by the military courts This Fourth Edition provides notes to virtually every military case that has interpreted or applied the Rules **Manual of Federal Appellate Procedure** Paul Peter O'Brien, 1926

Weissenberger's Federal Evidence ... Courtroom Manual ,2011 *California. Court of Appeal (1st Appellate District). Records and Briefs* California (State)., **California. Court of Appeal (4th Appellate District). Division 2. Records and Briefs** California (State)., **Ready V. United/Goedecke Services, Inc** ,2009 Gonzalez, Sr. V. Volvo of America Corporation ,1983 **California. Court of Appeal (2nd Appellate District). Records and Briefs** California (State)., **Oliver's Shipping Law Manual** William Atkinson Oliver,1908

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