Worksheet 7.5

**Answer the following.**

1. Hearsay evidence is **never** admissible. Is this true or false?

|  |  |
| --- | --- |
| **TRUE** |  |
| **FALSE** |  |

1. When a person gives direct oral evidence in court, what are the benefits to the bench compared to reading a transcript of what he or she said, or an affidavit?
2. If a defendant wants to adduce (mention or bring to court) **any evidence at all,** that is his or her right because of s 25(e) NZ Bill of Rights Act 1990 which states as a minimum standard of criminal procedure that a defendant has the right to be present at the trial and to present a defence.

Briefly discuss this proposition.

1. If witness Jones, who was a passenger in a car whose driver is now defending a careless driving charge, says that she thinks her friend the defendant is a good driver because they have been friends for 15 years and he has never even had a ticket so he wouldn't be likely to have driven carelessly and she thinks the crash happened so quickly that it could not have been his fault.…. how will the court treat this statement?
2. A doctor is a witness in a traffic case. The doctor says “it is my opinion that Ms Waller had suffered an unusual reaction to her prescribed medicines which could not have been predicted”. Is this opinion evidence admissible? Why or why not?
3. Two Justices are considering an affidavit of evidence produced by a defendant in respect of charge under the Land Transport Act 1998. One says “most of this is inadmissible - he lives miles from anywhere, like a hundred k’s away, it’s full of irrelevancies, other people’s opinions and his opinions, and he tries to say that because he has successfully defended two cases before he clearly has a ‘propensity’ to be correct! We can’t have regard to **any** of this.”

What might the other Justice answer?