

Evidence law uses the Evidence Act (2008) Vic - often referred to as UEA for shorthand.
This is the act you will rely on for this exam.

1.1 Discuss the ways of tendering, as well as the admissibility of:

(1) the CCTV recording and Ms AMANI's testimony; 220 words

- Refer to identification evidence – more info can be found here:

<https://www.alrc.gov.au/publication/uniform-evidence-law-alrc-report-102/13-identification-evidence/definition-of-identification-evidence/>

- you must speak on whether this evidence is admissible and if it is how it will be adduced. -
- Any issues here will be that you do not ever see the faces of the accused, only black jackets and motorcycle helmets.

- you will need to identify that the CCTV is documentary evidence

- you will need to identify that Ms Amani's testimony is VERBAL evidence (*viva voce evidence*)

- refer to Week 3 - Study Notes - Documentary and Other Evidence word document attached

- refer to Week 2 - Study Notes - Verbal evidence, competence and questioning

(2) evidence collected from GILBERT and BURTON's apartment; 220 words

- evidence collected from the apartment is as follows:

a) two black motorcycle helmets **physical object /exhibit = real evidence**

b) a black jacket with label M.G (indicated owner as Mark Gilbert) **physical object /exhibit = real evidence**

c) pistol bullets and bullet shells **physical object /exhibit = real evidence**

d) laptop browser history = screenshot **documentary evidence**

- you will have to identify each type of evidence (I have highlighted these in yellow above)

refer to Week 3 - Study Notes - Documentary and Other Evidence word document attached

- for example, for DOCUMENTARY EVIDENCE:

Under the UEA, a party may adduce evidence of the contents of a document by tendering the document or by one or more of the following methods:

- **adducing evidence of an admission made by another party to the proceeding as to the content of a document (s48(1)(a))**
- **tendering a copy of a document (s48(1)(b))**
- **tendering a transcript of a recording (s48(1)(c))**

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