

REVISION QUESTIONS

Q 1

Refer to the case of *R v Edwards* (1993) 178 CLR 193, and answer the following:

- Will evidence of a lie affect the credit of the accused?

Answer: Yes.

- Will evidence of a lie be used as an implied admission of guilt?

Answer: If a lie is inconsistent with innocence it may amount to an implied admission of guilt.

- Is every lie told by an accused probative of their guilt?

Answer: If the accused is telling a lie because he or she perceives that the truth is inconsistent with his or her innocence, then the telling of the lie may constitute evidence of guilt. The lie must be about some circumstance or event connected with the offence.

- What should be the contents of the judge's direction to a jury in respect of a lie told by the accused?

Answer: A jury can only consider lies as corroboration of guilt if they are satisfied that the lie:

- Is deliberate;
- Related to material issue;
- Springs from realisation of guilt and fear of the truth;
- Can be clearly shown to be a lie by evidence other than that to be corroborated.

The jury should be instructed that there may be reasons for telling lies apart from a realisation of guilt, such as panic, to protect some other person, to avoid a consequence extraneous to the offence. The jury should be instructed that if they accept the explanation for the lie then they cannot use the lie as an admission of guilt.

Q 2

Henry has been charged with the sexual assault of his stepdaughter, Sandra, aged 14. She claims that on 25 November 1998 the accused took her to the basement of an unfinished house adjacent to their home and forced her to have sexual intercourse with him. The prosecution intends to introduce the following evidence:

- (a) Sandra's claim that during the year prior to 25 November 1998 Henry had come into her bedroom at night on seven separate occasions when she was in bed and had indecently assaulted her on each occasion.

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