THE LAW SOCIETY OF SCOTLAND

QUALIFIED LAWYERS ASSESSMENT

EVIDENCE

7 November 2022

1300 – 1430
(90 minutes)

Candidates are required to answer TWO out of three questions.

Candidates should note that, in examination answers, they are expected to cite relevant authority.
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**Question 1**

It is alleged that a girl aged 10 was subject to a sexual assault by indecent touching. The accused is the girl's father. The father is separated from his wife but had been granted a court order allowing him contact with his children. He has denied to the police that anything untoward has ever occurred between him and his daughter.

Shortly after the alleged incident the girl told of what happened to her younger brother (aged 7), who had been outside playing with friends and who had returned to the house.

Later the same day the girl also told her next-door neighbour of what had happened to her. The neighbour reported the matter to the police and with a view to giving evidence in any subsequent legal proceedings, the neighbour later made a statement to a police officer giving details of the story the girl had told her. The neighbour has now suddenly and unexpectedly died.

It is also thought that after the alleged assault the father had said to his wife that "I didn't mean to do it."

Discuss the implications of the above narrative in respect of the evidence which may be presented at the criminal trial of the father.

**Question 2**

“The Moorov Doctrine sits uneasily with Scotland’s requirement for corroboration in criminal cases and serves no useful purpose.” To what extent do you agree with this statement?

**Question 3**

The police have interviewed a number of persons during their investigation of a murder committed in July 2021 in a street in Glasgow.

(a) They visit the house of Abe, who tells them that it was the local gang who 'did the job', that he (Abe) had agreed with the gang that he would bring the victim into the street but he had run away before the violence had started. Abe was not cautioned before making this statement.

(b) The police are holding a suspect, Bob, in police custody. He has been informed that he has the right not to say anything and that he can have access to a solicitor. In response to police questioning Bob makes a statement incriminating himself in the murder. He is then cautioned and charged with that crime. His reply to the charge is 'you can't prove anything'. As he is being led away a police officer says that they still want to clarify certain details.
about who else was involved. They ask Bob questions, and in his replies he names various people as being party to the killing.

(c) A police officer then goes to the house of Colin. As he arrivse Colin says "Look, I know that I've been in prison for violence but I've never ever used an axe." The police have not revealed that the victim died of axe wounds though a local newspaper ran a story about the murder as involving a possible axe attack.

(d) The police are holding Dave, who is aged 15, in custody. As the police are explaining that he has the right to have a solicitor present, Dave says that he doesn't like lawyers and doesn't want one now. The police ask Dave a variety of questions and in his answers he admits that he was involved in the attack.

Abe, Bob, Colin, and Dave are soon to go on trial for murder. Advise the Crown on the use that can be made of the statement or statements made by each of the accused.

END OF QUESTION PAPER