



Quiz

Prior Inconsistent Statements

1. Which of the following was an important evidentiary ruling from The Queens Case 1820 Brod & Bing 284; 129 ER 976?
 - a. That before any prior inconsistent statement can be admitted to evidence, the truth of the statement must be proved on the balance of probabilities
 - b. That before any question can be asked of a witness, the prior inconsistent statement must be shown to them for authentication
 - c. If counsel wishes to ask questions about a document's contents, the entire document must be placed into evidence
 - d. Both B and C
2. Which of the following can be considered to be a 'statement' for the purpose of alleging a prior inconsistent statement?
 - a. A post on Facebook;
 - b. A statement made orally;
 - c. A statement recorded by a police officer;
 - d. All of the above
3. Which of the following propositions flows from the decision in R v Trabolsi (2018) 131 SASR 287?
 - a. It is the substance of a prior statement which must be put to the witness rather than precise words;

- b. When cross-examining a witness, counsel must use the precise words used to authenticate the statement
 - c. It will be court appointed translator who will be in the best position to decide upon the meaning of the words
 - d. Both A and C
- 4. Which of the following legislation provides for challenging a witness on a document that they have made prior to a trial?
 - a. Sections 28 and 29 of the Evidence Act (1929) SA
 - b. Sections 28 and 29 of the Crimes Act (1900) Cth
 - c. Section 18 of the Evidence Act (1900) NSW
 - d. All of the above
- 5. When will evidence of a prior inconsistent statement not need to be led?
 - a. When a witness admits that they made a prior inconsistent statement
 - b. When a witness alleges that they did not make a prior inconsistent statement
 - c. Whenever a prior inconsistency is found as it goes to the credibility of the witness
 - d. All of the above

Answers:

1. B 2. D 3. A 4. A 5. A