

# LA373-15 Criminal Evidence

**24/25**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Roger Leng

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

100% exam

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

The module will encourage students to develop a sound theoretical understanding of the principles underlying evidence law and the tensions within it.

[Module web page](#)

### Module aims

This module is concerned with evidence and proof in criminal proceedings. Traditionally, courses on Evidence focus on the rules applied in court relating to the admissibility, reception and weighting of material tendered by the parties as evidence. Such rules are also a subject of study in this module, but we also consider the processes by which evidence is created (eg the police interview or the identification parade) and the processes of mutual disclosure prior to trial, by which the evidential material is exchanged between prosecution and defence.

The module will encourage students to develop a sound theoretical understanding of the principles underlying evidence law and the tensions within it. Students will consider concepts such as proof, reliability and fairness and will consider the proper allocation of functions as between prosecution and defence in an adversarial system.

### Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The burden and standard of proof

The nature of factual reasoning

Confessions and other statements by the accused

Identification evidence

Privilege and public interest immunity

Special rules relating to the evidence of children and vulnerable witnesses

Expert evidence

Evidence concerning other misconduct of the accused

Silence as a form of evidence

Pre-trial disclosure

Hearsay evidence

Examination and cross-examination

The accused as a witness.

Improperly obtained evidence.

Witnesses and the course of testimony

## **Learning outcomes**

By the end of the module, students should be able to:

- Have a complete understanding of the foundation principles of the law of evidence as well as detailed knowledge of highlighted areas. Have an understanding of the way in which the law of evidence fits into the process of proof which the courts use. Show an awareness of the law of evidence as a site of social and political critique
- Understand the processes through which facts are socially constructed, rather than legal entities. Understand the social context in which rules of evidence emerge and the extent to which they condition legal knowledge and process
- A firm understanding of the way in which the rules of evidence apply to hypothetical cases. Begin to develop the ability to use evidence arguments as a mechanism for influencing law reform
- Undertake sophisticated doctrinal analysis through problem solving. Be able to locate practical problems within an appropriate contextual framework. Appreciate some of the limits of reform through law
- Capable of independent research through advanced doctrinal analysis, comparative analysis or empirical engagement with social actors. Capacity to organise themselves into groups in order to identify and address issues

- Present an articulate statement of the law or critique of the law in a way which demonstrates a command of the relevant legal and policy knowledge. Appreciate the value of the process of argumentation in helping them to interrogate their own views as well as those of others. Understand that question-formulation itself has both analytical and ideological dimensions
- Demonstrate a basic grasp of the methods of social science as an aid to understanding the operational practices of the law of evidence Have the skills and competence to trace relevant legal provisions in both UK and other jurisdictions

### **Indicative reading list**

MONOGHAN, Nicola, The Law of Evidence (2015) 1st ed. (CUP)  
CHOO, Andrew, Evidence (2018)5th ed. (OUP)

### **Subject specific skills**

No subject specific skills defined for this module.

### **Transferable skills**

No transferable skills defined for this module.

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## **Study**

### **Study time**

<b>Type</b>	<b>Required</b>
Lectures	18 sessions of 1 hour (12%)
Seminars	7 sessions of 1 hour (5%)
Private study	125 hours (83%)
Total	150 hours

### **Private study description**

No private study requirements defined for this module.

### **Costs**

No further costs have been identified for this module.

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## **Assessment**

You do not need to pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

## Assessment group B5

	Weighting	Study time
Online Examination	100%	

This is a 2hr exam to be completed within the given 24hr period.

~Platforms - AEP

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- LA042: Criminal Evidence Statutes 2015 (for LA373)
- Online examination: No Answerbook required

## Feedback on assessment

Generic feedback via Moodle, with optional one to one feedback in October by student request

[Past exam papers for LA373](#)

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## Availability

### Courses

This module is Optional for:

- UIBA-MN34 Law and Business Four Year (Qualifying Degree)
  - Year 3 of MN34 Law and Business Studies Four Year (Qualifying Degree)
  - Year 4 of MN34 Law and Business Studies Four Year (Qualifying Degree)
- Year 2 of ULAA-M130 Undergraduate Law
- ULAA-M300 Undergraduate Law
  - Year 2 of M300 Law
  - Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- Year 2 of ULAA-M131 Undergraduate Law (4 Year)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 2 of M106 Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)
  - Year 4 of M106 Law (4 year) (Qualifying Degree)
- ULAA-M104 Undergraduate Law (Year Abroad)

- Year 2 of M104 Law (Year Abroad)
- Year 4 of M104 Law (Year Abroad)
- Year 2 of ULAA-M132 Undergraduate Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- UIBA-MN35 Undergraduate Law and Business Studies with Intercalated Year (3+1)
  - Year 3 of MN35 Law and Business Studies with Intercalated Year (3+1)
  - Year 4 of MN35 Law and Business Studies with Intercalated Year (3+1)
- Year 3 of ULAA-ML33 Undergraduate Law and Sociology
- Year 2 of ULAA-M133 Undergraduate Law with French Law
- Year 2 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 2 of ULAA-M134 Undergraduate Law with German Law
- Year 2 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)
- Year 2 of ULAA-M136 Undergraduate Law with Humanities (3 Year)
- ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
  - Year 2 of M113 Law with Humanities (4 year) (Qualifying Degree)
  - Year 3 of M113 Law with Humanities (4 year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
- Year 4 of UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)

This module is Unusual option for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law

This module is Option list A for:

- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 4 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
  - Year 3 of ML34 Law and Sociology (Qualifying Degree)
  - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology

This module is Option list E for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law