
MULTI CHOICE QUESTIONS

EVI370-1

2011 Second Semester – Assignment 1

Question 1

- (a) If the current South African law does not provide a solution to an evidentiary problem, our courts will first of all search for the answer in the early Roman-Dutch law.
 - (b) Evidence obtained in a manner that violates the Constitution will always be inadmissible.
 - (c) Substantive law indicates which procedure must be followed to prove a case.
 - (d) The "facts in dispute" in a particular case are heavily influenced by the applicable substantive law.
- (1) Only statements (a) and (b) are correct.
(2) Only statements (a), (b) and (d) are correct.
(3) Only statement (c) is correct.
(4) Only statement (d) is correct.
(5) All the statements are correct.

Question 2

- (a) In the case of a residuary clause, our courts have to determine what the English law was immediately before South Africa became a Republic in 1961.
 - (b) Roman-Dutch law is the common law of South Africa and therefore constitutes the historical source of our substantive and formal law.
 - (c) In terms of section 35(1) of the Constitution, every arrested person has the right to adduce and challenge evidence.
 - (d) A finding by a court that a particular piece of evidence is inadmissible due to irrelevance is final and cannot be reconsidered during the course of the same trial.
- (1) Only statement (a) is correct.
(2) Only statements (a), (b) and (c) are correct.
(3) Only statements (c) and (d) are correct.
(4) Only statements (a) and (d) are correct.
(5) All the statements are correct.

Question 3

- (a) A person is charged with fraud in that he made a false statement to a financial institution. Evidence that this person has, on previous occasions, made similar false statements to other financial institutions, is hearsay evidence.
 - (b) A person is charged with fraud in that he made a false statement to a financial institution. Evidence that this person has, on previous occasions, made similar false statements to other financial institutions, is evidence about previous consistent statements.
 - (c) The accused, in trying to dispute the admissibility of a confession made while he was in detention, wants to tender evidence that, on other occasions, the police have used improper means to get statements from him. This evidence is evidence of previous consistent statements.
 - (d) The accused is charged with dealing in dagga. The fact that the accused has previously been convicted of dealing in dagga is hearsay evidence.
- (1) Only statement (a) is correct.
(2) Only statement (b) is correct.

Multiple Choice Evidence Questions

Kate Jones



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Table of Contents Multiple Choice Evidence Questions

1. Understanding the eBook Multiple Choice Evidence Questions
 - The Rise of Digital Reading Multiple Choice Evidence Questions
 - Advantages of eBooks Over Traditional Books
2. Identifying Multiple Choice Evidence Questions
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Multiple Choice Evidence Questions
 - User-Friendly Interface
4. Exploring eBook Recommendations from Multiple Choice Evidence Questions
 - Personalized Recommendations
 - Multiple Choice Evidence Questions User Reviews and Ratings
 - Multiple Choice Evidence Questions and Bestseller Lists
5. Accessing Multiple Choice Evidence Questions Free and Paid eBooks
 - Multiple Choice Evidence Questions Public Domain eBooks
 - Multiple Choice Evidence Questions eBook Subscription Services

- Multiple Choice Evidence Questions Budget-Friendly Options
- 6. Navigating Multiple Choice Evidence Questions eBook Formats
 - ePub, PDF, MOBI, and More
 - Multiple Choice Evidence Questions Compatibility with Devices
 - Multiple Choice Evidence Questions Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Multiple Choice Evidence Questions
 - Highlighting and Note-Taking Multiple Choice Evidence Questions
 - Interactive Elements Multiple Choice Evidence Questions
- 8. Staying Engaged with Multiple Choice Evidence Questions
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Multiple Choice Evidence Questions
- 9. Balancing eBooks and Physical Books Multiple Choice Evidence Questions
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Multiple Choice Evidence Questions
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Multiple Choice Evidence Questions
 - Setting Reading Goals Multiple Choice Evidence Questions
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Multiple Choice Evidence Questions
 - Fact-Checking eBook Content of Multiple Choice Evidence Questions
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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