

Relevance

DPP v Kilbourne

- Evidence is **probative** of something if it tends to show that thing to be true
- Evidence is **disapprobative** of something if it tends to show that thing to be false
- Relevance should be thought of in terms of logical connection, NOT weight

R v Buchanan

- Charged with Manslaughter after car crash
- He had drunk alcohol before crash
- Evidence by witnesses whom saw fast speed on the wrong side of the road 30 mins before crash
- This was admitted as evidence for there was a relevant link between the alcohol and the crash
- Such evidence has a connection for it must have been the alcohol that induced such behaviour

R v Horvath

- Also charged with Reckless driving causing death
- Car moved slowly to wrong side of road
- Witness claimed that H had overtaken people on wrong side of the road 45 mins before
- This evidence was held to be inadmissible for this did not render the desired inference probable

Smith v The Queen

- S accused of taking part in bank robbery
- Crown argued that man keeping look out was S
- Police officers said they knew S and looked at photos from footage and recognised him as that man
- D argued that such evidence was not relevant
- However, evidence was admitted as relevant and admissible
- HCA had to determine whether the Police's identification could improperly sway the jury in determining the probative weight of the evidence
- They were not eye witnesses however, simply recognising, was this relevant?
- Crown argued that the fact that only the police officers would be able to identify better than the jury then this is the reason as to why the evidence was relevant, the D argued the opposite claiming that the jury should decide itself
- HCA HELD: that the identification by the police officer was not evidence that could rationally effect the assessment of the jury and as such had no real relevance in order to be admitted

Must draw inference from the evidence to the fact in issue

R v Marsh

- Armed robbery
- Marsh convicted and appealed based on error in regard to identification evidence
- Police handed photos to media

- D sister recognised in photo
- Found that evidence was direct evidence and the evidence was relevant and admissible

Festa v The Queen

- If evidence is of some, even slight probative value, then the jury should be available to it. The strength of the evidence is not of concern.

Papakosmas v The Queen

- Evidence of the out-of-court statements was relevant:
 - For a hearsay purpose and
 - For a non-hearsay purpose: credibility of witness