

Part 3.9

s113
Only Crim.

s115
PHOTO

s114
Exclusion of VIE
(1) "VIE" must have seen something 3D

(2) VIE by prosecutor not admissible unless:
(a) I parade >D< B4 I was made||

(b) not reasonable to have held a parade||

(c) Defendant refused to take part
and no intentional influence to identify the D

(4) It is presumed not reasonable 4 I Pde if D

(5)(a)no 1 present 4D, and

(b) reasonable grounds to believe that it was not
reasonably practicable for such a lawyer or
person to be present,

it is presumed that it would not have been
reasonable to have held an identification parade
at that time.

(6) In determining whether it was reasonable to
have held an I Pde, picture not to count

It follows that the trial judge should isolate and
identify for the benefit of the jury any matter of
significance, which may be reasonably regarded as
undermining the reliability of identification evidence.

s114(3)
(a) kind & gravity of offence, concerned, &
(b) the importance of E, &
(c) the practicality of holding an identification
parade having regard, among other things:
(i) if D failed to cooperate in the parade--to the
manner and extent of, and the reason (if any)
for, the failure, &
(ii) I was made near time of offence, &
(d) relationship (if any) between D and I'R

FESTA
Dominican
[1992] HCA.

Dhanhoa

Reliability of the conduct of the identified, not
the identification of the person that is in dispute.
It must mean where in dispute.
Note Dissent of Callinan J

s116(1)(a)(b)
special need for caution
reasons both gen and
specific