

# Criminal evidence 6

Law



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Criminal Evidence Criminal Evidence Hearsay is a term used to refer to the statements (verbal and written) that have occurred out of the trial room.

Generally, such statements are not used as evidence in trial room cases but under the co-conspirator rule, such statements are admissible inside the court. The co-conspirator rule is a principle and according to this principle, the statements that have been used by one of the conspirators of a conspiracy that have been proved are admitted as evidence in the court against one of the members who were involved in making the conspiracy. Only those statements are added as evidence in the trial which were made during the planning and the occurrence session of the conspiracy. This exception has been made in order to hold both the conspirators responsible.

2. In a case where abuse of a child which was sexual in nature is being dealt with, the most relevant three hearsay exceptions includes the exception of excited utterance. In this exception all those statements that are provided while the child is under stress are taken into account as the court is of the opinion that these statements have a higher probability to be true. The second exception is diagnosis and treatment that is medical in nature, in this exception all the statements that a child has made to the physician during treatment and diagnosis session are even admitted as evidence. The third exception is the residual hearsay exception; in this exception all those statements that are based on the scenario of equivalent circumstances are used as evidence in the trial room (Kinnear, 2007, p. 234).

#### References

Kinnear, K. L. (2007). *Childhood sexual abuse: a reference handbook* (2nd ed.). Santa Barbara, Calif.: ABC-CLIO.