

# A criminal case with relevant, reliable, and competent evidence

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Competent Evidence of the of the Competent Evidence In order to be admissible, evidence has to perforce be competent, reliable and relevant. In the absence of these attributes, evidence will not be admissible in a trial.

### Relevant Evidence

Relevant evidence is evidence that has the tendency to prove or disprove a matter in issue. Such evidence promotes the inquiry and as a consequence enjoys probative value (Ingram, 2011, p. 201). Moreover, such evidence is admissible prima facie.

### Reliable Evidence

In addition, reliable evidence is characterized by an adequate amount of believability or the possibility of being veracious and accurate. Evidence that is found to be lacking in such reliability is inadmissible in a trial (Gardner & Anderson , 2009, p. 31).

Evidence employed in charging an individual with a crime has to be reliable and admissible. This was emphasized in the Supreme Court's ruling in *Holbrook v Hymn*. The Court held that in accordance with the provisions of the Sixth and Fourteenth Amendments to the Constitution, the guilt of the accused was to be determined exclusively on the basis of the evidence presented during trial. Furthermore, guilt could not be established on the basis of official suspicion, indictment, continued custody or other circumstances (Gardner & Anderson , 2009, p. 31).

### Competent Evidence

Evidence that is relevant, reliable and not otherwise inadmissible at trial is deemed to be competent evidence. The defendant in *Holmes v South Carolina*, endeavored to introduce evidence that the murder had been

committed by a third party. In this effort the defendant offered witnesses who exhibited willingness to testify that the third party had committed the crime. This testimony was excluded by the trial court on the grounds that the case against the defendant was strong and that the evidence against the third party merely generated a bare suspicion. The defendant was convicted of murder, and this sentence was upheld by the Supreme Court of South Carolina (Gardner & Anderson , 2009, p. 32).

In this case, the Supreme Court of South Carolina affirmed that any evidence of third party guilt had to generate a reasonable implication of innocence. In addition, such evidence had to be restricted to the facts that were not in conformity with the guilt of the defendant. The Court further clarified that the forensic evidence was almost conclusive in indicating the guilt of the defendant, and that the evidence against the third party was effective only to the extent of creating a bare suspicion. In such cases, the evidence against the third party was inadequate for producing a reasonable implication of innocence regarding the defendant (Holmes v. South Carolina).

Thereafter, this case was put up for direct review in the US Supreme Court. In its unanimous decision this Court reversed the conviction of Holmes. The reason for this reversal was that the exclusion of evidence that alleged third party guilt was a violation of the defendant's right to present a complete defense. This rule of South Carolina was held to have ignored the probative value of evidence regarding third party guilt. In addition, the critical inquiry had focused on the strength to the prosecution's case, and this was deemed to render the rule arbitrary (Holmes v. South Carolina, 2012).

For instance, in *Commonwealth v Phinney*, it was held that any defendant has the right to present evidence that the crime had been committed by a third party. As such, evidence is admissible, only if it is relevant, not speculative or too far removed, and should not create confusion among the members of the jury by diverting their attention to collateral issues. (*Holmes v. South Carolina*, 2012).

As such it can be surmised that evidence possessed of significant probative value and that does not create confusion or prejudice should be admitted in trial.

#### List of References

*bobby Lee Holmes v South Carolina*, 547 US 319 (US Supreme Court May 1, 2006).

*Commonwealth v Roland Douglas Phinney, Jr*, 446 Mass 155 (Massachusetts Supreme Judicial Court March 28, 2007).

Gardner, T. J., & Anderson, T. M. (2009). *Criminal Evidence: Principles and Cases*. Cengage Learning.

*Holbrook v Flynn*, 475 US 560 (US Supreme Court March 26, 1986).

*Holmes v. South Carolina*. (2012). Retrieved January 30, 2012, from District Attorneys Association: <http://www.mass.gov/mdaa/court-decisions/list-by-case-name/e-thru-l/holmes-v-south-carolina.html>

*Holmes v. South Carolina*. (n. d.). Retrieved January 30, 2012, from Duke Law: <http://www.law.duke.edu/publiclaw/supremecourtonline/certGrants/2005/holvsou>

*Ingram, J. L.* (2011). *Criminal Evidence* (11 ed.). Elsevier.