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Subject :- English Jurisprudence II
Submitted to :- Mam Amina
Topic :- probative value of Evidence.

Probative Value of Evidence:-

Introduction :-

In English Jurisprudence, the probative value of evidence refers to its weight or capacity to prove or disprove a fact in issue. It is the measure of the extent to which a piece of evidence can rationaly effect the assessment of the probability of a fact.

Conceptual Framework:-

Definition:-

Probative value describes the "(logical force or weight)" of evidence. If evidence has high probative value, it strongly support a particular conclusion.

Date:

Admissibility :-

A trial judge may exclude relevant evidence if its probative value is outweight by the danger of unfair prejudice to the accused.

factors:-

Several criteria influence how much weight a court assign to a specific piece of evidence.

1- **Reliability:-**

The more scientifically sound or everifiable the evedence, the higher its value (e.g DNA).

2- **Credibility :-**

The more scientifically the truthworthiness of the source. IF a witness has motive to lie, the probative value of testimony is decrease.

3. **1) Direct Evidence:-**

(e.g, an eyewitness seeing the crime). typically holds higher probative value. than circumstantial evidences which requires an inferrence to reach a conclusion.

Date:.....

4- Corroboration:-

Evidence that is backed up by other independant facts gains significant probative strenght.

Hierarchy of Evidence Types:-

	Evidence type	Probative weight	why ?
1-	DNA/fingerprint:-	very high	Scientifically unique and hard to refute.
2-	Primary document:-	High	Original documents are considered the best of their consent.
3-	Eyewitness Testimony:-	Variable	highly persuasive but subject to human error/bias.
4-	Circumstantial:-	Moderate	Powerful when multiple pieces point to one conclusion.
5-	Hearsay:-	low	Generally inadmissible because the original speaker cannot be cross examined.

Date:

Legal principal and Case law:-

1- **Section 137 (Uniform Evidence law):-**

Requires a judge to exclude evidence if its probative value is outweight by the risk of the unfair prejudice.

2- **The "At its highest" Rule:-**

In determining probative value for admissibility, judges often must taken the evidence "at its highest - meaning they assume the jury will find it credible and reliable rather than judging is itself themselves at that stage.

3- **Practical Challenges:-**

→ **Forensic evidence:-**

Judges may strugle to assess the probative value of complex scientific data without expert essistance.

→ **Prejudicial Impact:-**

Some evidence (like defendat past crimes) may be highly probative but is often exclude because it could unfairly bias a jury.

Date:.....

Summary of key Distinctions:-

1- Atomism Vs. Holism:-

Court debate whether to assess each piece of evidence alone (atomism) or as part of the entire case eg (big picture (holism).

2- Legal weight vs. fact:-

while the judge determines the legal admissibility based on potential probative value, the jury determines the actual weight given to it during deliberations.