

Classifications of Evidence

1. Testimonial Evidence

A witness stands up in court to say what he/she saw and did.

2. Real Evidence

A physical object such as a knife, gun, finger print, battered piece of metal etc. which is produced in court

3. Documentary Evidence

Material provided in print or
electronic form

4. Business Records

- An exception to the general “documentary evidence” rule
- In many business situations there is no single author
 - E.g. records of banking, telecommunications and other types of transactions.
- As a result any document (including an electronic document) which is certified by a competent employee as being produced in the normal course of a business can be admitted into evidence

5. Technical Evidence

- Result of work of a purely technical nature on exhibits already in existence.
- Typical examples:
 - making a “safe” forensic copy of a hard disk
 - searching on a disk for files satisfying particular criteria and then extracting them and producing them in print-out or on CD/DVD

6. Expert Evidence

- Judge considers that the court will benefit from the expert testimony of a suitably qualified person
 - To give their advice on matters within their expertise
 - The court would otherwise not have
- Unlike “technical” witness, these experts are allowed to offer an opinion limited to their expertise

7. Derived Evidence

- Material created from primary evidence to illustrate how certain conclusions might be drawn.
- Typical examples:
 - Diagram
 - Chart
 - Video