16. Adverse inferences from an accused’s silence or conduct

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Chapter:
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This chapter discusses the adverse inferences that may be drawn against an accused from: his failure to testify; his failure, when questioned or charged, to mention facts which he could reasonably have been expected to have mentioned at that time and which he later relies on in his defence at trial; his failure or refusal, on arrest, to account for any object, substance or mark that the police reasonably believe may be attributable to his participation in the commission of an offence; his refusal to consent to the taking of an intimate sample, such as a sample of blood, semen, or urine; and his failure to provide advance disclosure of the defence case, the nature of his defence or the facts on which he takes issue with the prosecution.

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