

## Case Brief

Evidence Unit 10: words as nonhearsay, silence

Stensvaag, 2/14/15

### Identity of Case

Subramaniam v. Public Prosecutor, (English case, 1956)

Page 90 of the casebook.

### Summary of Facts/Procedural History

Subramaniam is arrested for unauthorized possession of firearms in Malaya (which is being occupied by GB and is basically a war zone full of various terrorist groups). Raises coercion as a defense, claiming he was kidnapped by terrorists who threatened to kill him if he didn't comply. Defendant is prevented from getting the statements onto the record. Reversed on appeal and remanded for new trial.

### Statement of the Issue

Are threatening statements made to the defendant inadmissible hearsay? (i.e., I'm going to kill you if you don't..)

### Holding

Such statements are admissible, because they are not offered for the truth that the terrorists would actually kill Subramaniam, but his belief that they would kill him.

### Reasoning

See holding.

A) "I'm going to kill you if you don't..." + M) Listener's belief that this was true → Defendant believed that they were going to kill him. Don't have to assume the truth of A to get to the conclusion.

### Evaluation