Is evidence that two or more events occurred being led to prove that a person did a particular act or had a particular state of mind on the basis that it is improbable the events occurred coincidentally? **s 98**

NO → The coincidence rule does not apply **s 97**

YES

Does the evidence relate only to the credibility of a witness? **s 94(1)**

Does the proceeding relate to bail or sentencing? **s 94(2)**

Does the evidence relate to the character, reputation, conduct or tendency of a person which is a fact in issue? **s 94(3)**

YES TO ANY → The coincidence rule does not apply **s 94**

NO TO ALL

Has notice been given in accordance with the relevant court rules or regulations? **ss 98, 99**

Is the evidence adduced in accordance with a court direction under **s 100?**

Has the evidence been adduced to explain or contradict coincidence evidence adduced by another party? **s 97(2)**

NO TO ALL →

YES TO ANY

Does the evidence have, by itself or along with other evidence, significant probative value?

NO → **THE EVIDENCE IS NOT ADMISSIBLE TO PROVE THE ACT OR STATE OF MIND**

YES

CIVIL PROCEEDING

CRIMINAL PROCEEDING
If the evidence is led by the prosecution against the defendant, does the probative value of the evidence substantially outweigh the prejudicial effect? **s 101** (see **s 101(4)** for exception)

NO →

YES

Should a discretion to exclude or limit the evidence, or a mandatory exclusion be exercised? **Part 3.11**

YES →

NO

THE EVIDENCE IS ADMISSIBLE TO PROVE THE ACT OR STATE OF MIND