

(University of Choice)

**MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY**

**(MMUST)**

**MAIN/KAPSABET CAMPUS**

**UNIVERSITY EXAMINATIONS**

**2016/2017 ACADEMIC YEAR**

**FORTH YEAR SECOND SEMESTER EXAMINATIONS**

**FOR THE DEGREE**

**OF**

**BACHELOR OF CRIMINOLOGY**

**COURSE CODE: SCR 408**

**COURSE TITLE: EVIDENCE FOR LAW ENFORCEMENT**

**DATE: 7TH June 2017 TIME: 12:00-2:00PM**

**INSTRUCTION TO CANDIDATES**

**Question ONE (1) is compulsory**

**Answer any other TWO (2) questions**

**TIME: 2 Hours**

MMUST observes ZERO tolerance to examination cheating

This paper consists of 2 Printed Pages. Please Turn Over

**Question One**

“*The elucidation of facts by means of questions put by parties or their representatives to witnesses mainly summoned by them, and called mainly in the order of their choice, before a judge, acting as an umpire rather than an inquisitor, has been an essential feature of the English [and Kenyan] ‘adversarial’ or ‘accusatorial’ system of justice*” *\_\_\_* Tapper, C. (2010) Cross & Tapper onEvidence, 12th Edition, Oxford University Press, New York, at p. 272.

Discuss the rules governing the course of evidence alluded to by the eminent author.  **(30Marks)**

**Question Two**

‘A father battering his minor daughter to death? What a beastly act! I see nothing wrong absolutely with the prosecution introducing into evidence the fact that the accused has recently been convicted and sentenced for assaulting his wife. This beast should be put away for life!’ Anonymous.

Discuss the above statement in light of the Evidence Act and decided cases.

**(20 Marks)**

**Question Three**

Write short notes on the following:

1. Burden of proof (4 marks)
2. Standard of proof (4 marks)
3. Judicial notice (4 marks)
4. Presumptions (4 marks)
5. Opinion evidence (4 marks)

**Question Four**

Write brief explanatory notes on each of the following:

1. The rule set out in section 125 of the Kenyan Evidence Act (4 marks)
2. The rule set out in section 127 of the Kenyan Evidence Act (4 marks)
3. Corroboration of Evidence (4 marks)
4. Bankers’ Books (4 marks)
5. Insane and dumb witnesses (4 marks)

**Question Five**

“*The general rule is that a party seeking to rely upon the contents of a document must adduce primary evidence of those contents.*” *\_*Kean, A. (1996) *The Modern Law of Evidence*, 4thEdition, Butterworths, London, at p. 201.

Discuss the abovementioned general rule and the exceptions thereto. (**20Marks)**