



KENYATTA UNIVERSITY

EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPR 203: LAW OF EVIDENCE 2

2ND SEMESTER 2020/2021

TIME: 2 HOURS

INSTRUCTIONS:

- 1) Answer all questions.
- 2) Support your answer with relevant case law, examples or any other references.
- 3) Write neatly and legibly
- 4) Your answer sheet must bear your student registration number

QUESTION 1(30 Marks)

Documentary, character, opinion evidence, confessions, hearsay, corroboration

You are an advisor to the Directorate of Criminal Investigations in Kenya. In the course of your work, you are frequently invited to give your opinion on various cases.

Following the violent attacks and subsequent murder of Jasinter, a young university student, you were invited to work with the investigators and give your opinion from time to time. Identify and explain to the state investigators the kind of evidence that emerges in the following scenarios, and whether such evidence passes the test of admissibility under the law of evidence.

- a) Jasinter had posted various messages on her face book page detailing her feelings about her boyfriend who had just broken up with her. To what extent do these messages qualify under the law of evidence.

(6 Marks)

- b) The main murder suspect, Jasinter's boyfriend, was known to be violent and had been reported to the police severally having brutally injured her past girlfriends in various altercations. To what extent is his character admissible under the law of evidence.

(6 Marks)

- c) Mr. Jozi, the chief government chemist, visited the scene of crime and tried to piece together what happened. Identify and explain two possible forms of evidence and how their admissibility would be considered under the law of evidence.

(6 Marks)

- d) Milka, has been prevented from testifying in court because what she intends to testify about appears to have been said by Esther, who is not in court but lives in Eldoret. Discuss why Milka was prevented from testifying in court.

(6 Marks)

- e) To what extent is Claudia's evidence acceptable. Claudia is nine years old but she heard the altercation between Jasinter and her boyfriend prior to the incident.

(6 Marks)

QUESTION 2

"It is a fair rule of proving or disproving a point of law in court, that one cannot go back on a situation that is presumed to be true." N.K. (2021)

In light of the above statement, discuss using cases and examples, the rule of estoppel under evidence law.

(20 Marks)

Question 3

You have been invited to give a lecture in which you are required to highlight the impact of technological advancements on the law of evidence.

Provide a written version of this lecture.

(20 Marks)