



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A MAIN EXAMINATION

P.O. Box 62157
00200 Nairobi - KENYA
Telephone: 891601-6
Fax: 254-20-891084
E-mail: academics@cuea.edu

JANUARY – APRIL 2018 TRIMESTER

FACULTY OF LAW

EVENING PROGRAMME

CLS 206: EVIDENCE II

Date: APRIL 2018

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. 'Hearsay evidence is generally inadmissible, but there are two characteristics which are generally present for the admittance of these evidence, they include, firstly, where there is some special need to admit the evidence ... and secondly, where there is some factor tending the evidence some measure of trustworthiness ...'

Discuss.

(30 marks)

Q2. a) "There are no strict rules on when corroboration is required by the courts..." Anon. Discuss

(12 Marks)

b) "The competence of a child to give evidence is determined by a test of intellect..." Discuss.

(8 Marks)

Q3. Joseph is charged with indecent assault, he gave evidence of his good character. The prosecution, to rebut this evidence of his good moral character, called in a person who testified that he had no knowledge of the neighbours opinion. But his own opinion was that the accused person was a man capable of grossest indecency and the most flagrant immorality. He said that this is also the opinion of his brothers who were the accused person's pupil.....

In light of character evidence under both civil and criminal cases discuss the admissibility of this evidence.

(20 Marks)

Q4. a) Citing relevant case law, discuss circumstances when a witness may give his own opinion.

(15 marks)

- b) Alpha is charged with dangerous driving and exceeding the agreed speed limit in a residential area. He intends to call his girlfriend, a medical student at the Kurutu University, to testify on his behalf as to his medical history and probable cause of such driving. The prosecution intends to call the driver of a police patrol car who will testify that Alpha was driving at 120 km/h and that when he was arrested he was too drunk to drive.

Discuss.

(5 marks)

- Q5. Describe the extent to which the Judges Rules differ from the Evidence (Out-of-Court Confessions) Rules

(20 marks)

END