



RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM

28TH AUGUST 2024

UNIT CODE: RLB 205 EVIDENCE LAW 1

INSTRUCTOR: C. MUTUNGI

INSTRUCTIONS

1. This is the final examination in Evidence Law 1. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FOUR** questions. Please answer **QUESTION 1 AND ANY OTHER TWO QUESTIONS.**
3. The examination has 4 pages, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

QUESTION ONE

Four WasiWasi University Students Obari, Tambi and Danti on the 3rd of April 2018, planned and attacked Kohen, a renowned businessman in Kikuyu trading Center. During the attack Tambi was armed with a knife, while Obari was armed with a big stick and a panga. At Kohen's house located at Nyari. The attackers gained access into Kohen's house by cutting the razor fence and kicking the back door. The attackers led by Obari cut Mr. Kohen with the panga and also kicked and punched the house boy. The attackers managed to steal a flat TV, a fridge, washing machine and money amounting to Kshs.10 million. However, as they were going out, Kohen's security dogs managed to corner Tambi who they bit badly, and he hid in the dog Kennel only to be arrested by the police. The rest of the attackers fled the scene. Tambi who was arrested in the dog Kennel volunteered to give evidence against his co-accused and he even told police how they were financed by Kohen's Ex-wife. You have been appointed the State Attorney for the office of the Directorate of Public Prosecutions and the CID Officer for Nyari Road Police Station has brought you the police file concerning the above case.

Give your advise on the following issues:

- a) What types/forms of evidence are stated in the above case? **(10 Marks)**
- b) What procedure can the police use to obtain /record a statement from Tambi to capture his admission? **(10 Marks)**
- d) What is the best evidence the police should obtain to pin Obari and his group? **(10 Marks)**

QUESTION TWO

Marrion, a property developer, has a boundary disagreement with Mwangi, whose land adjoins one of the properties which Marrion is developing. Marrion emails his friend Otaba, an Advocatae, outlining his position and looking for advice. Otaba replies advising that he cannot act for him in the absence of formal instructions and settlement of his fees, but that he is happy to give him some basic informal advice as a friend. Marrion subsequently informs Mwangi of the advice given to him by Otaba. Mwangi has now initiated civil proceedings against Marrion and is seeking discovery of the email correspondence between Marrion and Otaba (who is not the Advocate acting for Marrion in the case). Advise Marrion's legal team as to whether or not the earlier email correspondence between Marrion and Otaba is covered by legal professional privilege. **(20 marks)**

QUESTION THREE

“The Twin concepts of relevance and admissibility need to be re-examined. They have the effect of making it impossible to adduce evidence that is critical to an issue by prescribing unnecessary rules for determining admissibility. If something is relevant it ought to be admissible too”. Critically examine the above views. **(20 marks)**

QUESTION FOUR

Write Short notes on **ANY TWO (2)** of the following: -

- a) Estoppel
- b) Burden of Proof and Standard of Proof
- c) Opinion Evidence

(20 Marks)