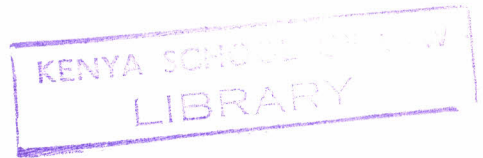


COUNCIL OF LEGAL EDUCATION

EXAMINATION FOR AWARD OF DIPLOMA
IN LAW (PARA-LEGAL STUDIES)

JULY, 2009

CRIMINAL LAW 1



Instructions

- (a) Answer QUESTION 1 and ANY OTHER THREE QUESTIONS
- (b) QUESTION 1 is COMPULSORY and carries 25 marks
- (c) All other questions carry 15 marks each
- (d) Marks may be lost for illegibility
- (d) Time allowed is **Two (2) Hours**

-
1. "There is a presumption that '*mens rea*' or evil intention or knowledge of the wrongfulness of the act is an essential ingredient in every offence but that presumption is liable to be displaced either by the words of the statutes creating the offence or by the subject matter with which it deals and both must be considered"
Wright, J in Sherras -vs- Derutsen (1895) 1QB 918
 - (a) Discuss the various ways by which the evil intention or *mens rea* manifests itself for purposes of Criminal Law. (15 marks)
 - (b) In respect of what offence, if any, is *mens rea* deemed to be irrelevant? (5 marks)
 - (c) Is the test of *mens rea* an objective or subjective one? (5 marks)
 2. What are the general principles, policies and guidelines that influence sentencing of offenders in Kenya? (15 marks)
 3. "The general object which all laws have, or ought to have, in common, is to augment the total happiness of the community, and therefore, in the first place, to exclude, so far as may be, everything that tends to subtract from that happiness; in other words, to exclude mischief. All punishment in itself is evil. Upon the principle of utility, if it ought at all to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil"
Jeremy Bentham " The principles of morals and Legislation (New York Hafuer Publishing Co. 1961) at page 17

Discuss. (15 marks)

4. As a general rule of the criminal law, intoxication is not a defense to a criminal charge unless it has the effect of rendering the accused incapable of forming *mens rea* for the relevant offence.

Discuss this statement in light of your understanding of *actus reus* and the defences available to an accused in criminal law.

(15 marks)

5. Provide a critique of the different definitions of 'crime' and "a criminal person"

(15 marks)

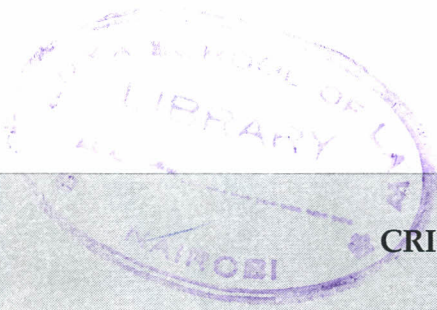
6. Discuss the social and legal sources of criminal law and indicate the essential relationship between the two.

15 marks)

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DIPLOMA IN LAW (PARA-LEGAL STUDIES)



CRIMINAL LAW I

THURSDAY 14TH OCTOBER, 2010

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 marks**
- (c) All other questions carry **15 marks** each

PLEASE TURN OVER

QUESTION ONE

- (a) Trace the history and purpose of criminal law in Kenya right from the pre-colonial period to the present. {10 marks}
- (b) Explain the following concepts in relation to criminal liability:
- (i) The general rules in respect of the key elements of a criminal offence. {5 marks}
 - (ii) *Actus reus* and voluntariness {5 marks}
 - (iii) Intention and Recklessness {5 marks}

medieval prd

QUESTION TWO

- (a) Explain the term strict liability in criminal law {5 marks}
- (b) Cite and explain **FIVE** relevant situations in which a person may be held strictly liable. {10 marks}

QUESTION THREE

- (a) What is the meaning of the expressions "burden of proof" and "standard of proof"? {2 marks}
- (b) Describe the general rule on what the prosecution must prove in a criminal case. {5 marks}
- (c) State and explain **FOUR** exceptional cases where the accused bears a burden of proof. {8 marks}

QUESTION FOUR

Explain with the help of case law, the following rules as they apply to criminal responsibility.

- (a) Ignorance of law {3 marks}
- (b) *Bona fide* claim of right {3 marks}
- (c) Acts independent of will {3 marks}
- (d) Accident {3 marks}
- (e) Motive {3 marks}

QUESTION FIVE

- (a) There is a rebuttable presumption of law that "every person is sane." In which circumstances would an accused person plead insanity as a defence. **{5 marks}**
- (b) What incapacities ought to be proved by the accused who pleads insanity? **5 marks}**
- (c) When is drunkenness a defence to a criminal charge? **{5 marks}**

QUESTION SIX

- (a) With the help of examples, define how criminal law treats the following persons.
- (i) A child under eight years **{3 marks}**
- (ii) A child under twelve years **{3 marks}**
- (iii) A boy under twelve years **{3 marks}**
- (b) When can a married woman use compulsion by her husband as a defence in a criminal charge? **{6 marks}**

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COUNCIL OF LEGAL EDUCATION



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

KENYA SCHOOL OF LAW
LIBRARY

CRIMINAL LAW I

THURSDAY 28TH JULY, 2011

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 marks
- (c) All other questions carry 15 marks each

PLEASE TURN OVER

QUESTION ONE

As a para-legal student from the Kenya School of Law, you have been invited to the Judiciary annual open day to be held at the parking of the Central Law Courts. The theme of the opening day is "Reforms in the Criminal Justice System". You have been assigned to prepare a topic for presentation to the community of para-legals from the justice sector who will be in attendance on "the role of criminal law in society".

Prepare a detailed essay on the same for presentation.

{25 marks}

QUESTION TWO

You are an assistant legal researcher to Hon. Amusimba Amulili, who is the presiding Resident Magistrate over criminal case No.41 of 2011 (Republic v Kiriamiti Mdogo) at Landi Mali Criminal Courts in Bokali Constituency, Bungoma County. The facts of the case are that Kiriamiti has been charged with defiling one Phoebe Amukoyo a 13 year old girl contrary to Section (8) (1) of the Sexual Offences Act, 2006. On the strength of the evidence adduced by the prosecution, the magistrate enters a guilty verdict. In mitigation, Kariamiti sounded remorseful and stated that he was misled by alcohol and acted under peer pressure. Furthermore, he states that the complainant misrepresented her age to him.

Advise the Presiding Magistrate on the appropriate form of punishment highlighting the various options that she has.

{15 marks}

QUESTION THREE

Discuss the elements of crime that would be necessary to prove the following offences:

- (i) Murder
- (ii) Rape
- (iii) Stealing

{15 marks}

QUESTION FOUR

Write short explanatory notes on the following:

- (i) Principle of concurrence
- (ii) Principle of causation
- (iii) Principle of negligence

{15 marks}

QUESTION FIVE

With the aid of relevant statutory law, critically discuss the various defences that an accused person might advance in his/her quest to be absolved from criminal responsibility.

{15 marks}

QUESTION SIX

In order for one to be found guilty of a criminal offence, the court must be satisfied that the accused person not only committed the wrongful act but also that he/she had the requisite mental "guilt".

Discuss these two elements and indicate situations when the mental aspect may not be necessary for a guilty verdict to be entered.

{15 marks}

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COUNCIL OF LEGAL EDUCATION



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

CRIMINAL LAW I

THURSDAY 9TH AUGUST, 2012

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 marks**
- (c) All other questions carry **15 marks** each

PLEASE TURN OVER

1. Abdi Hutchings is suspected of sexually defiling Hamima Hassan, and accordingly has been charged with the offence of defilement contrary to Section 8 of the Sexual Offences Act. He has pleaded not guilty. As an assistant to Mr. Masafu Advocate (Defence Counsel), prepare a report for your boss on the rules of criminal responsibility that might absolve/exonerate Abdi from being found culpable.

(25 marks)

2. John Mrefu had a dispute with his estranged girlfriend and in an altercation in his house (when she had showed up with an order from the children's court requiring him to pay child support) he hit her on the forehead and she collapsed. Upon being taken to the hospital, she was pronounced dead on arrival.

As a research assistant with Osodo Humphrey (prosecution counsel) prepare a report on the possible charge(s) against John, indicating the strengths and weaknesses of the proposed charge(s).

(15 marks)

3. "The essence of sentencing is to enable the court mete out an appropriate punishment; and it is a critical requirement of the criminal trial process that a sentence hearing should be conducted."

Anonymous.

Using the above statement as a point of departure, discuss the relevance of a sentence hearing in our criminal justice system

(15 marks)

4. Critically discuss the various forms and/or types of sentences that a judicial officer may mete out.

(15 marks)

5. It is appreciated that criminal law is the study of crime and appropriate punishment.

Bearing the above statement in mind outline the various roles of criminal law in society.

(15 marks)

6. Write short explanatory notes on the following:

- a) Plea
- b) Deterrence
- c) Charge and charge sheet

(15 marks)



COUNCIL OF LEGAL EDUCATION



DIPLOMA IN LAW (PARA-LEGAL STUDIES)
(1st YEAR TERM I)

CRIMINAL LAW I

THURSDAY 15TH AUGUST, 2013

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 marks**
- (c) All other questions carry **15 marks** each

PLEASE TURN OVER

QUESTION ONE

- (a) Distinguish civil law from criminal law. (5 marks)
- (b) Outline and explain the elements of an offence. (12 marks)
- (c) Who are the parties to offences? Explain with illustration the general rules on the parties to offences. (8 marks)

QUESTION TWO

- a) Explain what is meant by causation in criminal law. (10 marks)
- b) How does the concept of intervening causes influence legal causation? (5 marks)

QUESTION THREE

- (a) Explain the principle of burden of proof, distinguishing between the phrases 'beyond reasonable doubt' and preponderance of evidence. (15 marks)
- (b) Explain the principles of autrefois convict and autrefois acquit (5 marks)

QUESTION FOUR

- (a) Whether the prohibited conduct is an act or an omission, such conduct must be voluntary conduct on the part of the defendant. Explain. (10 marks)
- (b) How does motive differ from intent in criminal law? (5 marks)

QUESTION FIVE

- (a) Juma owes Mpingo Kshs.10,000. At a party Juma tells Mpingo that the money he owes him is in an envelope in a desk drawer and that he should take it. Mpingo goes to the desk and finds the envelope. Assuming that the money in the envelope adds up to Kshs.10,000, Mpingo put the envelope in his pocket and leaves the party. The next day Juma realizes that the Kshs.20,000 he had in his desk is missing. Is Mpingo guilty of stealing the Kshs.20,000? (8 marks)
- (b) The leaders of a ruling party decide that they wish to have a troublesome member of an opposition party imprisoned. They investigate the member and cannot find any laws that he has broken. They discover however, that the member had US\$50,000 in a bank account in Hong Kong until just a few weeks ago. The assembly passes a law prohibiting citizens from maintaining over US\$10,000 in overseas accounts. The day the law is brought into force, the member is arrested and charged with offence. Advise the member. (7 marks)

QUESTION SIX

Explain with the help of case law, the following rules as they apply to criminal responsibility.

- (a) Ignorance of law (3 marks)
 - (b) *Bona fide* claim of right (3 marks)
 - (c) Acts independent of will (3 marks)
 - (d) Accident (3 marks)
 - (e) Motive (3 marks)
-



KENYA SCHOOL OF LAW



DIPLOMA IN PARALEGAL STUDIES

YEAR I (TERM I)

CRIMINAL LAW I

14TH AUGUST, 2014

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 Marks**
- (c) All other questions carry **15 Marks** each

PLEASE TURN OVER

KENYA SCHOOL OF LAW



DIPLOMA IN PARALEGAL STUDIES

YEAR I (TERM I)

CRIMINAL LAW I

14TH AUGUST, 2014

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 Marks**
- (c) All other questions carry **15 Marks** each

PLEASE TURN OVER

1. Citing relevant case law and statutory provisions, discuss any five (5) general defences available in Criminal Law. (25 Marks)
2. Define the following terms:
 - a) Felonies and misdemeanor (5 Marks)
 - b) Cognizable and non-cognizable offences. (5 Marks)
 - c) *Mala in se and mala prohibita*. (5 Marks)
3. Discuss the general principles of criminal liability in Criminal Law. (15 Marks)
4. With the aid of relevant illustrations, discuss the following.
 - a. *Actus Reus* (5 Marks)
 - b. *Mens Rea* (5 Marks)
 - c. *Strict Liability* (5 Marks)
5. What are the aims of sentencing in Criminal Law? (15 Marks)
6. Citing relevant statutory provisions, case law and illustrations discuss five types of sentences available in criminal law. (15 Marks)

COUNCIL OF LEGAL EDUCATION



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

CRIMINAL LAW II

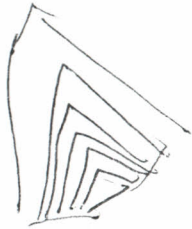
THURSDAY 10TH FEBRUARY, 2011

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 marks
- (c) All other questions carry 15 marks each

PLEASE TURN OVER



QUESTION ONE

The Sexual Offences Act No.3 of 2006 provides the overall framework for sexual offences in Kenya.

- (a) Give a brief history of the Sexual Offences Act and cite at least three reasons that gave rise to its enactment in Kenya. **{10 marks}**
- (b) How does the Sexual Offences Act define and provide penalties for the following:
- (i) Rape **{3 marks}**
 - (ii) Attempted Rape **{3 marks}**
 - (iii) Defilement **{3 marks}**
- (c) Sections (12), (13), (14), (15) and (16) refer to offences related to children. What is the definition of and related penalties given to the following offences:
- (i) Promotion of sexual offences with a child? **{2 marks}**
 - (ii) Child sex tourism? **{2 marks}**
 - (iii) Child prostitution? **{2 marks}**

QUESTION TWO

Part of the Penal Code provides for offences against public order. With the help of examples, give the definition and the applicable sentence, for the following offences:

- (i) Treason and concealment of treason. **{7 marks}**
- (ii) Promoting war like activities. **{4 marks}**
- (iii) Aiding prisoners of war to escape. **{2 marks}**
- (iv) Administration of unlawful oaths to commit capital offences. **{2 marks}**

QUESTION THREE

The Penal Code outlines a number of offences against the person. Chapter XIX refers to murder and manslaughter.

- (i) Explain, with the help of decided cases, the ingredients of the offence of murder, giving due consideration to the facts in the respective cases and the decision of the court. **{9 marks}**
- (ii) Explain, with the help of examples and one decided case, the offence of manslaughter. **{6 marks}**

QUESTION FOUR



How does the Penal Code provide for the following:

- (i) Things capable of being stolen and the definition of stealing. {6 marks}
- (ii) General punishment for theft as per section 275? {6 marks}
- (iii) How does Section 295 of the Penal Code define robbery? {3 marks}

QUESTION FIVE

Explain with the help of examples, the provisions of s.303 of the penal code on:

- (i) Breaking and entering a building in a manner that constitutes a crime. {4 marks}
- (ii) Section 304 differentiates between breaking and entering into a building and housebreaking and burglary. Explain the difference. {6 marks}
- (iii) Mention at least three instances as per s.308 of the Penal Code where one may be said to be preparing to commit a felony. {5 marks}

QUESTION SIX



Juma Boy Kijana bought goods from Maisha Tele Stores for Kshs.20,000/-. He paid through a cheque dated 1st January, 2009 and took possession of the goods. On banking the cheque, the proprietor of Maisha Tele was informed on the 15th January, 2009 that the cheque had been dishonoured with the remarks "No sufficient funds. Refer to drawer".

- (i) As the police prosecutor, under what section of the Penal Code would you refer to while filing a charge against Kijana? {4 marks}
- (ii) What would be the particulars of the offence? {6 marks}
- (iii) What charges would you have preferred if Juma Boy had obtained the goods on credit and failed to pay (mention the offence as per s.316 of the Penal Code). {5 marks}

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COUNCIL OF LEGAL EDUCATION



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

CRIMINAL LAW II

THURSDAY 22ND NOVEMBER, 2012

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 marks
- (c) All other questions carry 15 marks each

PLEASE TURN OVER

QUESTION ONE

Titi, an eighteen year old school boy went to Tata's place for an evening party. At the party, Tata offered Titi a drink which Titi believed was apple juice. After some time Titi started complaining of feeling dizzy and asked Tata for water. Tutu instead offered him brandy reassuring him that it would help calm his nerves. Tata confided in Tutu that what he had offered Titi was not apple juice as he had requested but a cocktail laced with alcohol.

In the course of the party, Titi strikes Tata and Tutu on the head believing them to be demons out to strangle him. Tutu suffers serious injuries and is hospitalized in a coma. Tata is treated for head injuries and is discharged after one week in hospital. Tutu eventually dies as a result of the head injuries after twenty four months.

Advise the parties on the criminal offences committed (if any) and the defences available.

(25 marks)

QUESTION TWO

Describe the following criminal law terms and explain the legal ingredients of each:

- a) Infanticide
- b) Robbery with violence
- c) Robbery
- d) Treason

(15 marks)

QUESTION THREE

Phillip and Ann went out to celebrate the end of their term exams at the local bar. They thereafter retreated to Vivian's place for a sleep over. Phillip has sexual intercourse with Ann in one of the bedrooms believing that she was consenting. In fact she was not consenting. Ann moves to Vivian's room to tell her what had happened. Vivian goes to the other room to confront Phillip about having sex with Ann. Whilst sleep walking, Phillip meets Vivian on the corridor and strikes her with a lamp causing her injuries.

Identify and discuss any offences committed above and available defences, if any.

(15 marks)

QUESTION FOUR

Giving relevant examples and citing the applicable statutory provisions, outline what inchoate offences are.

(15 marks)

QUESTION FIVE

With the aid of relevant statutory provisions discuss the capital offences under Kenyan law. (15 marks)

QUESTION SIX

Differentiate between the following offences

- a) Rape and defilement
- b) House breaking and burglary
- c) Theft and handling stolen property
- d) Treason and treasonable felony

(15 marks)

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DIPLOMA IN LAW (PARA-LEGAL STUDIES)

CRIMINAL LAW II

WEDNESDAY 4TH DECEMBER, 2013

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 marks**
- (c) All other questions carry **15 marks** each

PLEASE TURN OVER

QUESTION ONE

- a) How would you distinguish between the defenses of diminished responsibility and insanity?
(8 marks)
- b) "Necessity in legal contexts involves the judgment that the evil of obeying the letter of the law is socially greater in the particular circumstances than the evil of breaking it." (Glanville Williams)

Discuss and explain the extent to which criminal law provides a general defense of necessity.

(8 marks)

- c) In *Palmer* (1971) Lord Morris said of reasonable force in self-defense that, 'it is both good law and good sense that a man who is attacked may defend himself. It is both good law and good sense that he may do, but only do what is reasonably necessary.'

Discuss.

(5 marks)

- d) Describe the elements of the offence of murder.

(4 marks)

QUESTION TWO

- a) Harry's mother was dying from cancerous brain tumor. Caring for her and watching her dying in this way caused Harry to suffer from severe stress and depression. Unable to watch her suffering any longer, he decides to put her out of her misery by poisoning the cup of cocoa that she drinks before going to sleep. Harry slips some surgical spirit into her cocoa, believing that this is poisonous, although it is in fact harmless. Her mother drinks the cocoa but dies during the night of a brain hemorrhage caused by her malignant tumor. Discuss Harry's liability, if any, for his mother's death.

(8 marks)

- b) Joseph, who had been drinking, went into a club and started to behave in an aggressive manner to some of the customers including William to whom he threatened violence. William responded by pouring a glass of beer over Joseph. This angered Joseph and he started to shout at William. William, still holding the glass, took hold of Joseph and punched him. Joseph, believing that William was about to hit him with the glass drew out a knife and intending serious injury, fatally stabbed him.

Discuss the criminal liability of Joseph.

(7 marks)

QUESTION THREE

- a) John was walking home having just beaten Regeu in a fight. They had fought because Regeu was angry at John having curved the letter 'J' onto Njeri's arm using a penknife. Njeri was Regeu's 15 year-old sister, who had begged John to do this as she was in love with him. John reluctantly agreed. The wound was neither very big nor very deep although it did require one stitch. John

and Regeu had decided to settle their differences by having a fight. John punched Regeu, knocking him over and causing him to fracture his skull. John had run away when the police were called.

Discuss John's criminal liability.

(8 marks)

- b) Jake, an artist, is a member of a cult which has persuaded him that when women always want sex and that when they say 'no' they really mean 'yes'. The cult's mission is to encourage its members to 'give sexual pleasure to womankind.' Jake decides that to be faithful to the cult he should have sex with his long-term platonic friend Anna. She has always made it clear that they will never be more than good friends but Jake now believes that she does not mean this. He goes to her bedroom where she is asleep and climbs into bed with her. Anna wakes up but is very sleepy and Jake has sex with her. She only vaguely recalls this incident the next morning.

(7 marks)

QUESTION FOUR

Prof. Makumbusho is a visiting fellow at Chache University. On his way over to the library one day, he spots an umbrella lying on the pavement, and as rain had been forecast later that day, he thinks it might be useful so he picks it up. Inside the library, he notices on the desk beside him a draft of a paper that another eminent professor is planning to publish. The paper contains a number of innovative arguments so Professor Makumbusho takes digital photographs of a few papers of it using his mobile phone, hoping to use these arguments in his latest book. He then goes to select a book from the shelves, but he sees that a student has got there first and is reading the book that he wants. He demands that the student hand the book over immediately as he should have priority over her, but she refuses. He then threatens her, in a loud voice, that if she does not hand the book over he will report her to the librarian for misconduct, and snatches the book out of her hand. At his home university all professors are entitled to borrow reference books from the library, so he leaves the library with the book in his briefcase. At the end of the academic year, when he leaves Chache to return home, he leaves the library book in his office, hoping that his secretary will return it.

Discuss the criminal liability, if any, of the parties involved.

(15 marks)

QUESTION FIVE

Leila was at a party at Mtambo's house when she noticed Akinyi's car parked outside. Leila had recently had an argument with Akinyi so she let the air out of one of the tyres of Akinyi's car.

A little later when Akinyi discovered what Leila had done she threw a plate at Leila but it missed and broke a window. Akinyi was worried about what Leila might do so went and hid in the garden shed. She had a lot to drink and fell asleep in the shed.

During the party, Mathew decided to demonstrate a trick which involved him spraying lighter gas at a cigarette. Unfortunately, there was a small explosion which resulted in the curtains catching fire. The fire quickly spread, although everybody managed to leave the house safely. The fire was subsequently put out by the fire brigade.

The following morning, Akinyi woke up, having slept through the fire which had not affected the shed. She discovered that she was locked in. She was a little nervous and desperate to use the lavatory so she broke open the door of the shed, destroying the lock and damaging the woodwork.

Consider the liability of the parties for the offence of criminal damage.

(15 marks)

QUESTION SIX

- a) Shirley leaves a party in a state of extreme intoxication, having consumed a large quantity of alcohol. On her way out she helps herself to a wallet that is sticking out of the coat pocket of another guest. On the doorstep she meets Doris, and thinking that Doris is being rude about her dress, she pushes her into the rose bushes. Doris is badly scratched.

Advise Shirley of her possible criminal liability.

(5 marks)

Would your advice differ if Shirley thought that Doris was a lion about to attack her?

(4 marks)

- b) Frank is a former cocaine addict. Abuse of the drug over a number of years has left him unusually paranoid and vulnerable. Frank owes Godfrey a large sum of money. Godfrey has become impatient for the money and sends his small nine-year-old son, James, round to Frank's house to ask for it back. James, in his squeaky voice, tells Frank that he must give the money to him 'there and then. I don't mind how you obtain it. Steal it if you have to, just give it back.' Frank has long believed (without foundation) that Godfrey desires to kill him. Terrified, he takes some money from his flat-mate's wallet and gives it to James. Would Frank have a defense to a charge of theft?

(6 marks)

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DIPLOMA IN LAW (PARALEGAL STUDIES)

CRIMINAL LAW II

9TH DECEMBER, 2014

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions.
- (b) Question **ONE** carries **25 Marks**.
- (c) All other questions carry **15 Marks** each.

PLEASE TURN OVER

1. Titi is in a pub when he has a violent snazzy fit. The glass he is holding flies out of his hand and hits Tata, the barman, cutting his cheek. Tata is an epileptic who has forgotten to take his medication. Tata has an epileptic seizure and lashes out at a customer Tutu, who is also a magistrate, kicking her before collapsing on the floor. Tutu has drunk several glasses of orange juice, which unknown to her, have been spiked with vodka and she kicks Tata severely whilst he is on the floor, damaging his kidney. Tutu then lurches towards Titi with a broken bottle in her hand. Titi thinks she is about to attack him and he punches Tutu so hard that he knocks her out.
 - a) Advise the police on any offences that are disclosed in the above set of facts and the persons liable. (12 Marks)
 - b) Advise the parties on any defenses that may be available to them. (13 Marks)
2. Discuss the modes of participation in criminal offences. (15 Marks)
3. a) What are inchoate offences? (5 Marks)
b) Discuss three types of inchoate offences (10 Marks)
4. Differentiate between the following:
 - a) Murder and manslaughter (5 Marks)
 - b) Burglary and housebreaking (5 Marks)
 - c) Robbery and robbery with violence. (5 Marks)
5. a) What is contempt of court? (5 Marks)
b) Discuss the two categories of contempt of court. (10 Marks)
6. With the aid of relevant examples discuss the relationship between morality and criminal law. (15 Marks)