

CHUKA



UNIVERSITY

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**EXAMINATION FOR THE AWARD OF
MASTERS OF ARTS DEGREE IN CRIMINOLOGY AND SECURITY STUDIES**

CRSS 810: CRIMINAL COURTS

STREAMS: MA (CRSS)

TIME: 3 HOURS

DAY/DATE: MONDAY 05/08/2019

11.30 AM – 2.30 PM

INSTRUCTIONS:

- **ANSWER ALL QUESTIONS**
- **DO NOT WRITE ANYTHING ON THE QUESTION PAPER**

QUESTION 1

- (a) Ben and Jane have been married for over 20 years during which Ben has been repeatedly physically, mentally and verbally abusive towards her. One day Ben returns from work drunk, he starts to argue with Jane, shouting at her. He begins to walk towards her, shaking his fists violently and Jane fearing her safety picks a flying pan and hits Ben over the head with it. Ben slumps to the floor in a pool of blood, unknown to Jane, he has a thin skull which is easily fractured, he subsequently dies in hospital. She is arrested and charged with murder. As her counsel advises her on her constitutional rights. [15 marks]
- (b) Discuss the constitutional admissibility of evidence in criminal procedure. [15 marks]

QUESTION 2

- (a) Discuss the functions of the law of evidence and indicate at what stage of the criminal justice process they are applied and how. [15 marks]
- (b) X was charged with being in possession of drugs with intent to supply. Whilst searching his flat, police officers answered 15 telephone calls, 10 of which asked for the defendant and for drugs. In addition, 9 individuals came to the flat asking for the defendant, 7 of

whom requested drugs. At the trial, the officers were given permission to give evidence of calls and what was said. Discuss the law on search and seizure. [5 marks]

QUESTION 3

- (a) Discuss the process at the plea taking stage, both for the accused who pleads guilty and that who pleads not guilty. [15 marks]
- (b) John and Martha are charged with theft and handling respectively John is convicted after a guilty plea is evidence of his conviction admissible in the subsequent criminal trial of Martha? Decide. [5 marks]

QUESTION 4

- (a) Discuss the law of evidence and procedure in relation to constitutionality. [15 marks]
 - (b) Discuss the concepts of due process within the criminal procedure and law of evidence. [15 marks]
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