

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM III EXAMINATION

CRIMINAL PROCEDURE II – (DPS – 210)

23rd OCTOBER 2020

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) Clearly illustrate the trial process from the point of arrest to the point of sentencing. (10 marks)
- b) Explain the term *prima-facie* case. (5 marks)
- c) What is the purpose of opening and closing submissions in the trial process? (5 marks)
- d) Name FIVE (5) instances that may prevent a case from proceeding with the trial. (5 marks)

Question Two

- a) Explain FIVE (5) things to consider before conducting an examination- in- chief. (10 marks)
- b) What is the purpose of re-examination? (1 mark)
- c) Name FOUR (4) requirement for effective cross-examination. (4 marks)

Question Three

Write short notes on the following:

- a) Child witnesses (3 marks)
- b) Character witnesses (3 marks)
- c) Eye witness (3 marks)
- d) Witness coaching (3 marks)
- e) Sequence of calling witnesses (3 marks)



Question Four

"Custodial sentences place a burden on our prisons". Discuss the above statement in light of the aims of sentencing in Kenya. (15 marks)

Question Five

Distinguish between Appeals and Revision using relevant case law. (15 marks)

Question Six

- a) What are the requirements of a valid judgement? (10 marks)
- b) Name FIVE (5) mitigating circumstances that an accused person can rely on to reduce a sentence. (5marks)

END