

COUNCIL OF LEGAL EDUCATION



EXAMINATION FOR ADMISSION
TO THE ROLL OF ADVOCATES

ATP 101: CRIMINAL LITIGATION

TUESDAY 24TH NOVEMBER, 2015

DURATION: 3 HOURS

Instructions to Candidates

- (a) Candidates **MUST** answer **FOUR** questions
- (b) **Question ONE** is compulsory
- (c) All questions carry 15 marks each
- (d) Marks shall be lost for illegibility

PLEASE TURN OVER

1. On the night of 10th October, 2015, Bwana and Bibi were resting at their Pepo Lane home in Zuri village. At about 9 p.m. they heard their dogs barking and shortly thereafter Machozi the watchman was at the front door knocking frantically. Bwana opened the door and two men wielding guns ordered them including Machozi to lie down. The armed men proceeded to tie them and then removed their gold watches, wedding rings, Bibi's diamond necklace and earrings. They stuffed the valuables into a bag. They then picked two Iphones, two Ipads and two laptop computers and packed them into the same bag.

Meanwhile Dhahabu, Machozi's wife arrived and headed for the main house to find out why the gate was wide open. The two gunmen on finding out that she was the watchman's wife requested her to get them drinking water. They followed her to their (Watchman's) quarters, raped her and left. Still in shock Dhahabu went to the main house where she managed to untie her husband, Bwana and Bibi.

Bwana and Bibi reported the matter to Mateso Bila Chuki Police Station. Inspector Kaa Chonjo was assigned the investigations. Meanwhile, two gentlemen Supu and Bora arrived at the police station the following day hurling insults at each other. It turned out that Bora had sold an iPad and jewelry to Supu and Supu's complaint was that Bora had failed to avail the proper documentation for the iPad and the jewelry.

Bora offered to take Kaa Chonjo to the place where he had bought the iPad and jewelry that he had sold to Supu. They proceeded to a house in Jiji Janga belonging to Jicho and Pevu. They found the two men, Jicho and Pevu. The two were showing some watches and laptops to two other men who melted away as soon as they saw kaa Chonjo. Jicho and Pevu also tried to get away but were restrained by Bora and the chief Inspector. As Jicho and Pevu could not produce documentation with respect to the goods, Kaa Chonjo ordered them to carry all the items to the police station. He then called Bwana and Bibi who came and identified the two Ipads and two watches as those that had been stolen from them. They both said they had been too terrified to look directly at the gunmen during the attack but were convinced that they were of the same build as Jicho and Pevu.

Kaa Chonjo would like to prefer charges.

- (a) Advise him on which offences and against whom they should be preferred. (6 marks)
(b) Draft the charges. (9 marks)

2. (a) Discuss the meaning of extradition. (2 marks)
(b) Apart from extradition, name four processes through which states can transfer suspects to another jurisdiction. (4 marks)

(c) Tobi Ogo, a Ugandan resident in Rwanda was driving a lorry KKBA 007 full of timber. He had just crossed into Kenya from Uganda and in total disregard to the 30 kph speed limit was driving at 50 kph, thereby failing to notice the road bumps that were ahead. He rammed into the first one and swerved to avoid the next one. As a result he hit a female pedestrian who died on the spot. Sensing danger, Tobi fled off from the scene and made his way back to Rwanda.

(9 marks)