

QUESTION ONE

Three armed men pounced on Joy Makena as she was driving in her Subaru Leone Reg. No. KBX 404X in traffic along Uhuru Highway on 14/7/17 at 4p.m.

It happened very fast, and Joy found herself thrown on the road pavement, injuring her left collarbone. She could only recall that two of the men spotted dreadlocks and were both light-skinned, tall and mean looking. Patel was driving behind her and witnessed the carjacking as it unfolded right in front of his eyes. The men had guns and traffic immediately began to flow again.

He parked his vehicle and picked up the shaken Makena and took her to the nearby Central Police Station. Apparently, other motorists had alerted the police and shortly after, while still at the Central Police Station, Flying Squad Officers arrived with a bullet riddled Subaru, one dead dreadlocked light-skinned tall man and another dreadlocked, light-skinned medium height man in handcuffs. They also had with them two firearms, an AK 47 assault rifle and Ceska Pistol they said they recovered from the two men. One was said to have escaped and suspected to be wounded.

- (a) You are the Prosecution Counsel based at the Milimani Law Courts. The DCIO has called you to advise on the need for an identification parade. Detail your advice. (5 marks)
- (b) Dreddy Eddy, the man arrested, is charged with robbery with violence contrary Section 296(2) of the Penal Code. He has denied the charge and told the court that he sells clothes at Ngara Market. He was minding his business when gunshots rent in the air. He is the only one who sports dreadlocks in the market. He was arrested. He maintains that this was mistaken identity. His mother wishes to stand surety for him and has a parcel of land in Molo worth Kshs.2 million.

Advise Dreddy Eddy and the mother on the prospects of bond, citing the principles governing the grant of bail and bond. (6 marks)

- (c) While Dreddy Eddy's case is ongoing, the police arrest Ziggy Zag alias "One-Eye" in another botched robbery. They believe he is the third man in the robbery of Makena.
- (i) Explain the process of enjoining Ziggy Zag into the case with Dreddy Eddy. (4 marks)
- (ii) Draw the statement of the charge and brief particulars. (5 marks)

QUESTION TWO

Chizi Mtaani was arrested and thereafter arraigned in court and charged of assault occasioning actual bodily harm. At the time of taking plea, he stood silently in the dock, his eyes darting from one end to the other. When he eventually spoke, he mumbled profanities and demanded to be set free. He said he beat up the complainant.

- (a) You are the prosecutor. Advise the court on how to deal with the accused person. (6 marks)