



**MASENO UNIVERSITY**  
**UNIVERSITY EXAMINATIONS 2015/2016**

**THIRD YEAR FIRST SEMESTER EXAMINATION FOR THE DEGREE OF  
BACHELOR OF ARTS IN CRIMINOLOGY WITH INFORMATION  
TECHNOLOGY**

**CITY CAMPUS-REGULAR**

**ACS 302: PROCEDURE AND EVIDENCE**

Date: 3<sup>rd</sup> December, 2015

Time: 9.00 - 11.00 am

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**INSTRUCTIONS:**

- Answer ANY THREE questions.



**ACS 302: PROCEDURE AND EVIDENCE**

**THIRD YEAR FIRST SEMESTER**

**KISUMU CAMPUS (REGULAR)**

1. A. Search warrants are often the first tool police use to prevent the commission of crime and collect criminal evidence. Discuss (10marks)

B. i. Traffic police at Mamboleo junction erected a barrier with the intention of stopping and searching vehicles on their way in and out of Kisumu. Ochieng a truck driver refused to stop believing that the police do not the right to search vehicles without a search warrant.

ii. Police officers entered a hotel in Kondole with the intention of searching a room occupied by a tenant suspected of crime and arresting him if necessary. John the hotel owner refuses to cooperate and hid the suspect whereupon the police officers forcefully broke the door and arrested the suspect.

Discuss in which circumstances the police have powers to search and arrest without a-warrant and in the above cases. (13.3marks)

2. A. In a bid to ensure that police do not arraign suspects who have no chance of conviction in Court, the law has provided two distinct tests to be used by the office the DPP? Discuss (10marks)

B. John, James, Jojo and Junior were arrested and charged for robbery with violence, burglary, theft and possession of stolen goods. When they were arraigned in Court John pleaded not guilty, James kept quiet, Jojo pleaded autrefois convict while Junior pleaded autrefois acquit. The case began with the defence and all its witnesses and then the prosecution. The accused persons were not allowed to cross examine the prosecution witnesses. After trial they sought your advice on whether the correct procedure was followed. Advise them. (13.3marks)

3. Compare and contrast the features of criminal and civil trial process.(23.3marks)

4. i. What constitutional safeguards exist for an accused person through the different stages of a criminal trial? (13.3marks)

ii. In what circumstances can a violation of constitutional rights result in an appeal, acquittal and revision of sentence. (10marks)

5. What difficulties do the Police and CID officers face when collecting and preserving evidence in Kenya? (23.3marks)

6. A. What aggravating and mitigating factors do Judges and Magistrates take into consideration before sentencing an accused person. (10marks)

B. Numerous suspects die either during arrest, interrogation or detention in police custody. Citing relevant example discuss what remedies are legally available to the families of the victims. (13.3marks)