



**THIRD YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
FIRST SEMESTER, 2022/2023
(SEPTEMBER-DECEMBER, 2022)**

LLBK 315: TRIAL AND APPELATE ADVOCACY

STREAM: LLBK Y3 S1

TIME: 2 HOURS

DAY: MONDAY, 12:00 – 2:00 P.M.

DATE: 05/12/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

“Trial objections are provided for in law while in other instances they are not but when used carefully they can be key to a successful trial.” Anonymous

- With illustrations discuss five ways in which a lawyer can invoke objections and win a case. (15 Marks)
- Discuss the manner in which trial objections are raised in the Kenyan Courts and provide FOUR detailed illustrations of valid objections that are supported by the Evidence Act (Cap 80, Laws of Kenya). (15 Marks)

QUESTION TWO

“Of course there is a search for truth going on in trial, but it is not the main objective. Watching and listening to the witnesses, the fact finder is bound to be on the look out for the liar. But trials often end up-usually end up, indeed-without any liar being unmasked. What the fact finders normally have to do is to decide which parts of the evidence they prefer. An advocate’s job is to lead his or her fact finder to a preference and thus an opinion. Anonymous.

Discuss techniques that parties to a proceeding in adversarial system may use in examination in Chief. (20 Marks)

QUESTION THREE

Discuss the true purpose of cross examination noting to point out practical considerations the observance of which would make cross examination more effective. (20 Marks)

QUESTION FOUR

Karua had instituted a suit challenging the compulsory acquisition of his land by government. The court has rendered its judgment and he is dissatisfied with that. she has now approached you with that copy of the judgment and after your reading you notice the case was dismissed without orders as to the costs. she contends that she was not afforded the opportunity to cross examine a crucial witness of the defense, and she want you to file an appeal.

Discuss how you would proceed with the appeal. (20 Marks)

QUESTION FIVE

Write explanatory notes on the following:

- a. Chain of custody (5 Marks)
- b. Closing statement (5 Marks)
- c. Opening statement (5 Marks)
- d. Re-examination (5 Marks)