



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

**FIRST YEAR EXAMINATION FOR THE AWARD OF THE**  
**DEGREE OF BACHELOR OF LAWS**  
**SECOND SEMESTER, 2023/2024**  
**(JANUARY-APRIL, 2024)**

**LLBK 111: CRIMINAL LAW**

**STREAM: Y1 S2**

**TIME: 2 HOURS**

**DAY: MONDAY, 12:00 – 2:00 P.M.**

**DATE: 15/04/2024**

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**INSTRUCTIONS**

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

**QUESTION ONE**

Kelvin, a law student at Hardy University, had always had what he described to his room-mate, Larry, as ‘a serious romantic interest in Natasha’, a classmate. He once asked her out for a coffee date but she rebuffed him, telling him she had a boyfriend, Jason, with whom she was planning to move in with after finishing her law degree. One day, in the course of a discussion at the Student’s Centre Bar, Kelvin overheard Tim boast loudly that he had had sex with Natasha twice; in Tim’s words, ‘Natasha is an easy catch, all you need to do is buy her some alcohol, get her tipsy and she’s yours the whole night.’ At the next end-of-semester dance party, Kelvin and some of his friends shared a table with Natasha and her friends. Kelvin chatted with Natasha as they drank alcohol. Mike paid for all the alcohol that he and Natasha drank and he encouraged her to consume as much as she possibly could. In the course of the chat, Natasha whispered to Mike that her relationship with Jason was over. In the early hours of the morning, as they prepared to leave, Kelvin noticed that Natasha was too drunk to walk alone to her hostel, so he decided to go with her to his dorm room. Kelvin suggested that they have sexual intercourse but Natasha just giggled and in a drunken stupor, responded: ‘No, Jason, I don’t love you anymore’, before falling asleep. Kelvin went ahead and had sex with her. Kelvin has been charged with the rape of Natasha. Discuss his possible criminal liability.

**(30 marks)**

## **QUESTION TWO**

Bill and Jack sat around one day and complained that they needed money. Bill suggested that they walk through the parking lot at the mall to find unlocked cars with packages that they would steal and then exchange at the pawn shop for cash. Jack shrugged his shoulders and said “Okay, I got nothing better to do”. Once they stole the packages, Bill asked his girlfriend Sarah to keep them for him as the police was investigating him. Discuss the parties to an offense in the above scenario. **(20 marks)**

## **QUESTION THREE**

Murder is the most serious crime among all homicide offences.

- a). Justify the above statement. **(5 marks)**
  
- b). Define murder and with the support of authorities discuss the main features of this offence. **(8 marks)**
  
- c). Analyze the various types of *mens rea* which the prosecution must establish to prove the offence. **(7 marks)**

## **QUESTION FOUR**

‘The distinction between robbery and robbery with violence is superficial and unwarranted. Indeed, the law requires reform in this area.’ – Anonymous.

Discuss. **(20 marks)**

## **QUESTION FIVE**

Discuss the following:

- a. Result crimes **(4 marks)**
- b. Strict liability **(4 marks)**
- c. Compulsion **(4 marks)**
- d. Insanity **(4 marks)**
- e. Willful blindness **(4 marks)**