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**MASINDE MULIRO UNIVERSITY OF
SCIENCE AND TECHNOLOGY
(MMUST)**

MAIN CAMPUS

UNIVERSITY EXAMINATIONS

2023/2024 ACADEMIC YEAR

THIRD YEAR FIRST SEMESTER MAIN EXAMINATIONS

FOR THE DEGREE

OF

BACHELOR OF CRIMINOLOGY

COURSE CODE: SCR 302

COURSE TITLE: CRIMINAL LAW

DATE: 11/12/2023

TIME: 8:00 – 10:00AM

INSTRUCTIONS TO CANDIDATES

Question ONE (1) is compulsory
Answer any other TWO (2) questions

TIME: 2 Hours

MMUST observes ZERO tolerance to examination cheating

This Paper Consists of 2 Printed Pages. Please Turn Over.

1. George was arrested and charged with “*Attempted Robbery*”. The Prosecution lined up THREE witnesses. Rose, Felix and William. Rose, who was the cashier, claimed that the defendant walked up to her holding a gun in his right hand and his index finger across his lips motioning for silence. Nonetheless, she was able to send a coded message to her husband who alerted the Police. Felix, who was a customer in the Supermarket claimed that he saw George brandish his gun in the air to scare shoppers into compliance; while William, the arresting officer reported that he met the defendant running out of the supermarket and detained him because he fit the description from the crime call; and that when he searched him, he found a handgun which was positively identified by witnesses 1 and 2 as the weapon they saw.
 - i. Explain the facts of this case that may point to culpability for the accused – 10 Marks
 - ii. Explain any mitigating circumstances that may influence George’s defence – 10 Marks
 - iii. Identify flaws that may collapse the Prosecution’s case – 10 Marks
2. With the help of FOUR relevant examples, discuss the concept of script liability- 20 Marks
3. Discuss the Principles of Criminal Law and explain how they uphold due Process – 20 Marks
4. Esther, a media personality, killed her husband with a kitchen knife, invited the Police to her scene of the crime and surrendered herself and the murder weapon to them. During the trial, the defence argued that Esther's husband Teddy had been routinely sexually abusing the couple's eldest daughter and had threatened to kill them both if the information ever leaked to outsiders. Esther claimed that on the material date, she caught him in the act and acted on her rage
 - i. Identify the *Actus Reus* and the *Mens Rea* of this crime- 10 Marks
 - ii. What should Esther's defense be and what mitigating circumstances would lessen her sentence? – 10 Marks
5. Define a Homicide and distinguish the crime of Murder from that of Manslaughter – 20 Marks