



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE
EXPRESSWAY, JABI, ABUJA
FACULTY OF LAW

DEPARTMENT OF PUBLIC LAW
2021_2 EXAMINATION QUESTIONS

COURSE CODE: LAW 446

COURSE TITLE: EVIDENCE 11

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE)
QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. Peter is an auto mechanic and is very popular in his community. As a result of his popularity he is a busy mechanic. Sometime in January, 2020 John gave Peter his Camry car to repair and in the course of the work John alleged that Peter stole his car. John reported to the Police which led to the arrest of Peter. Peter was detained for 22 hours on the first day without access to his lawyer and members of his family. He was later released and was rearrested the following day and detained for 20 hours without food. After he was released, he was again arrested and detained after three days and in the course of the present detention that Peter said that he was the one that stole John's car. The Police have charged Peter to court for stealing John's car and the prosecution intends to rely on the statement made by Peter accepting that he stole the car. Discuss the implications of Peter's statement in court.
2. Cletus is a driver to a private company in Lagos. Sometime in December, he invited a lady, Josy, living in the same compound with him to his room on the basis that he wants to celebrate the end of the year for her. Josy, in the spirit of the season accepted the invitation and went to Cletus room. Cletus offered her a drink which, unknown to Josy, will make her drowsy. She took the drink and fell asleep, upon which Cletus had a carnal knowledge of her. Cletus has been charged to court and convicted on the testimony of Josy. The prosecution did not call any other witness. Discuss the intricacies of this procedure.
3. It is trite in the law of Evidence that Hearsay Evidence is not admissible. This rule is nevertheless subject to certain exceptions.

4. Idowu and Biodun are business partners. They deal in cocoa, palm oil and other produce. Sometime in October, 2020 they had a business dispute which soon degenerated into a fight. Idowu shot Biodun with a gun which was not fatal. Idowu was charged with attempted murder and during the course of the trial the prosecution wanted to tender a judgment showing that Idowu was an ex-convict. Idowu's lawyer opposed the evidence. Discuss.
5. "Similar fact evidence has a reputation for being an impenetrable subject. Quite often students who have coped well with other parts of an evidence course reach the examination still feeling that that they don't know what it is about or how it works." Allen, Sourcebook on Evidence. Discuss. 15 Marks
6. Bernard was detained and interrogated by Police officers. Bernard was later charged to court for stealing. During trial he objected to the statement he made at the police station because it did not comply with Judges Rules. Discuss.