

UGANDA MARTYRS UNIVERSITY
NKOZI

UNIVERSITY EXAMINATION
DECEMBER 2022

FACULTY OF LAW

BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER 2 FINAL ASSESSMENT
ACADEMIC YEAR 2022/2023

CRIMINAL LIABILITY
LLB 1208

DATE: Thursday 15th December, 2022

TIME: 9:30 AM- 1: 00 PM

DURATION: 3 & 1/2 HRS

Instructions:

1. This is a **PARTIALLY OPEN BOOK** exam. Only **CLEAN** relevant statutes are permitted in the examination room.
2. Carefully read through ALL the questions before attempting
3. **Questions 1 & 5 are COMPULSORY. The other 2 questions can be picked at will. A total of FOUR QUESTIONS SHOULD BE ANSWERED IN ALL.**
4. No **names** should be written anywhere on the examination book.
5. Ensure that your **Registration number** is indicated on all pages of the examination answer booklet.
6. Ensure your work is **clear** and **readable**. Untidy work shall be penalized
7. Any type of examination Malpractice will lead to automatic disqualification
8. Do not write anything on the questions paper.
9. Use the exam answer booklet for all your rough work

QUESTION 1: COMPULSORY

On 19th July 2018, Okoth a resident of Paraa village comes up with a plan with some of his boys who are known as bad boys in the village. The plan is to rob a house of one of the popular DJs Rasta Rob in Omoro District. On 21st July 2018 at 2am, Okoth armed with an AK47 rifle together with Lokech, Felix and Naboth travel by car to the house of Rasta Rob. Okoth decides he will go into the house with Felix and Lokech who are armed with pangas and pistols while Naboth will remain outside in the car. They knock on the door with so much force everyone in the house is awakened from sleep. Rasta Rob eventually opens the door. Okoth immediately demands money from him while brandishing his gun at him saying I know you are a wealthy man in Omoro. Felix and Lokech proceed to threaten Rasta Rob's wife and his child, an 13-year-old girl called Apiyo in the house, they do this while threatening them with pangas saying they will harm them if that they don't disclose where the money is kept. After about 15 minutes of ransacking the house, Okoth discovers that the only money in the house is 500,000shs. He removes it and places it in his bag, while ordering Felix and Lokech to remove some items like a 32-inch LG flat screen TV, an LG microwave and an LG radio cassette player which they carried to the getaway car outside where Naboth was waiting for them. As Felix and Lokech carry the items to the car, Okoth has carnal knowledge of Rasta Rob's 13-year-old daughter saying she is a very beautiful girl and he wants to be the first man who to have ever known her carnally.

The matter is reported to the Police Station at Paraa Village. As the Police is conducting investigations on 24th July 2018 at 10am, they come across a lady called Betty Bigombe selling a radio cassette player which she claims was given to her the day before by her boyfriend Felix and that she was not sure how he got it as she had never seen it in their home. She had decided to sell it so as to raise money to support her business. The LG radio cassette player was similar to the one stolen from Rasta Rob's house three days ago. The Police asked her to take them to her house and there they discovered a LG 32-inch

Flat screen TV which she says her boyfriend brought to their home the day before. Felix is later arrested and he leads the Police to Okoth's house saying he was the mastermind of the crime that they committed. The Police on searching Okoth's house discover an LG microwave similar to the one that belonged to Rasta Rob. It was hidden in his bedroom. All the three items that were recovered bore the same identity mark that the family had long inscribed on them. At the Police Station during interrogation, the Police discover that Okoth is a known criminal in Paraa village and the rumour in the village is that he is HIV Positive. A Police medical examination confirms this.

The Police File has been forwarded to your desk as a Resident State Attorney in Omoro District, write a legal memorandum with regard to the offences committed therein and the criminal liability of all parties involved in committing the offences. (25 marks)

QUESTION 2

With reference to the relevant authorities, discuss the nature and scope of the offences of terrorism and treason in Uganda. How do these two offences defer, if at all? **(25 marks)**

QUESTION 3

Compare and contrast the offences of murder and manslaughter with the aid of relevant authorities. **(25 marks)**

QUESTION 4

Write short notes on the following:

- a) Obtaining goods with False Pretences **(5 marks)**
- b) Contempt of Court **(5 marks)**
- c) Bribery **(5 marks)**

- d) Receiving stolen property (5 marks)
- e) House breaking (5 marks)

QUESTION 5: COMPULSORY

Kenneth Muwanguzi's legally married wife Hellen Kisinde leaves him for Paul Kinene. Muwanguzi is extremely angry at Kinene and wants to confront him. He goes to Kinene's house to tell him how he feels. When Muwanguzi arrives at Kinene's house, he calls his number but there is no response. Muwanguzi believes that Kinene is avoiding him and is in the house, since the lights are on. On finding the door to be locked, Muwanguzi walked around the house and pushed a half-opened window and it further opens so that he can climb through. Muwanguzi discovers that Kinene is not home but he enters the house and goes to Kinene's bedroom. He finds there a love letter from Hellen Kisinde to Kinene which he finds next to the bed. He picks the love letter and a phone and laptop and exits the house through the front door at 6.45pm and heads off to his usual drinking joint, where he drank his favourite gin in a group comprising six men and a woman called Marietta whom he was in a relationship with despite his marriage to Hellen Kisinde. Marietta is aged 25 and she was too drunk to walk back home alone, so Muwanguzi decided to escort her. The next day which was a Sunday, Marietta reported to the police that Muwanguzi had forceful sexual intercourse with her and beat her up.

Kinene discovered what Muwanguzi did and he is furious and reports at the local police station on Sunday and while there he finds Marietta who had also gone to report Muwanguzi for having forceful sexual intercourse with her and beat her up.

The Police would like to charge Muwanguzi.

Discuss all the possible offences committed by Muwanguzi and any possible defences. (25 marks)

~ WISHING YOU SUCCESS ~