



**NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
JANUARY/FEBRUARY 2013 EXAMINATION**

**LAW 446: LAW OF EVIDENCE II
Hours**

Time allowed: 3

Attempt any five questions. All questions carry equal marks.

1. A confession by an accused person in a criminal trial is easily the best evidence upon which his conviction can be predicated. Discuss.
2. Paulson Smith is suspected of stealing a brand new Toyota car. He was subsequently charged to court for the offence of stealing. Paulson Smith seeks to show that he is innocent of the charge against him by calling witnesses who will testify that "Paulson Smith has a reputation for being law abiding citizen of the country" and that "Paulson Smith seems innocent". Evaluate and discuss the legal issues in this matter.
3. Corroboration simply means a confirmation, ratification or additional evidence validating other evidence; particularly that which needs support. Discuss.
4. Competency and compellability are essential issues in examination of witnesses. Discuss and illustrate your answer with relevant case law.
5. Paterson Hall claims that he was knocked down by a fast moving car driven by Kenneth Bolt. Paterson Hall sustained some injuries as a result of the accident and has now brought an action against Kenneth Bolt. To prove that Kenneth Bolt drove his car at a speed beyond that provided by traffic Rules, Paterson Hall seeks to testify that after the accident somebody told him that Kenneth Bolt drove his car at a speed beyond that provided by the Rules. Highlight and analyse the relevant issues raised in the matter.
6. The doctrine of estoppel per rem judicatam was developed to prohibit a litigant from asserting or denying certain facts. Evaluate this statement.
7. State or private privilege in the law of evidence is essentially to protect state security and privacy of individuals. Evaluate this statement.

8. Although the drawing of inference from facts is the duty of the court but as a result of technical nature of some matters the court is ill-equipped to draw the necessary inference but relies on the opinion of those who are qualified as the experts. Discuss.
9. Explain the term Judicial Notice and illustrate matters of which the court will take notice.