



## ZIMBABWE EZEKIEL GUTI UNIVERSITY

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### FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

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#### DEPARTMENT OF LAW AND LEGAL SERVICES

#### EXAMINATION PAPER

**MODULE CODE** : **LLB 222**

**MODULE TITLE** : **LAW OF EVIDENCE**

**SPECIAL REQUIREMENTS:**

**DURATION** : **3 HOURS**

**LEVEL** : **2.2**

**DATE** : **13 FEB 2024**

#### **INSTRUCTIONS TO CANDIDATES:**

1. This question paper comprises of three printed pages.
2. Answer all questions.
3. Start each question on a new page of your answer sheet

### Question 1

Carol is charged with the murder of her husband, Fonsie, a racing car driver who died in a race at Tramore in October 2016. It is alleged by the prosecution that Carol deliberately tampered with Fonsie's car prior to the race with the intention of causing him to crash and be killed.

Carol's defence team has objected to the following items of evidence sought to be adduced by the prosecution in support of its case against her:-

- (i) The oral evidence of Thomas, another racing driver, that an unidentifiable woman with whom he spoke briefly in a pub the night of the fatal race had told him that she had seen Carol tampering with Fonsie's car at the racetrack that morning.
- (ii) Emails sent by Carol to her sister, Linda on the evening of Fonsie's death in which she said that it was 'a great relief' and a 'blessing' that he had been killed.
- (iii) Carol's previous conviction, ten years ago, for offences arising out of the destruction by her of an ex-boyfriend's motorcycle during a row.
- (iv) A signed statement made by Carol to Gardaí, admitting tampering with Fonsie's car prior to the race, 'to frighten him' but without intending to kill him. Carol claims that this statement is inadmissible. She says that it was made by her in Garda custody, after a request by her to consult with a solicitor had been refused by Gardaí and while she was going through a period of withdrawal from anti-depressant medication, to which she had also been denied access during her period of detention.

Advise the prosecution as to whether or not all or any of the above items of evidence are admissible as evidence against Carol. **[30 marks]**

### Question 2

Michael is on trial for offences arising out of an alleged fraud on the Revenue. The prosecution seeks to adduce in evidence emails which have come into its possession, sent by Michael to his solicitor prior to the said fraud, asking for 'honest advice' as to his chances of being found out and convicted if he were to engage in acts similar to the fraud alleged by the prosecution.

Michael has objected to the emails on the basis that they are covered by legal professional privilege. Advise Michael as to his chances of excluding the emails from evidence. **[15 marks]**

### Question 3

Deirdre is charged with the murder of her golf buddy, Venetia. The prosecution seeks to call Deirdre's psychoanalyst, Doreen, to give evidence of Deirdre's

professed jealousy and anger towards Venetia. Advise Deirdre as to whether or not she can claim that Doreen's evidence is privileged. **[15 marks]**

**[END OF EXAMINATION 70 MARKS]**

UNIVERSITY OF WITWATERSRAND  
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EXAMINATION PAPER

MODULE CODE: LLB421  
MODULE TITLE: LAW OF EVIDENCE  
SPECIAL REQUIREMENTS:  
DURATION: 3 HOURS  
LEVEL: 4  
CREDITS: 12

INSTRUCTIONS TO CANDIDATES

1. This question paper comprises of 70 printed pages.
2. Answer all questions.
3. Start each question on a new page of your answer sheet.