

THE BOARD OF LEGAL EDUCATION
GHANA SCHOOL OF LAW
PROFESSIONAL LAW COURSE- PART 1
CRIMINAL PROCEDURE EXAMINATION

JUNE 13, 2014

TIME ALLOWED: THREE HOURS 10:00 A.M. – 1.00 P.M.

INSTRUCTIONS TO CANDIDATES- Please read the following instructions and the questions very carefully before beginning your answers:

(i) Answer FOUR (4) questions in all. QUESTION 1 IS COMPULSORY. And any THREE (3) other questions.

(ii) Write your seat or index number on your answer Booklets and on each loose Sheet used for your answers. Remember to attach the loose Sheet(s) to the correct Answer Booklet.

(iii) Do not write your name on or anywhere in your Answer Booklets.

(iv) Adhere strictly to all instructions on the front cover of your Answer Booklets.

(v) Please write legibly and express yourself in precise, clear language. You may lose marks for illegible writing and imprecise language.

Yaw Barimah was not seen again until the end of the year 2013, when he was arrested at Kumasi by the police acting upon a tip-off.

- a) What offence has been committed by Yaw Barimah?
- b) What should be the form of trial?
- c) Give a comprehensive description of the trial.

[23 MARKS]

QUESTION 3

Ofosu Ababio was a taxi driver living at Dansoman, Accra. On the morning of 7th April, 2010, he got up early in the morning to wash his vehicle and get ready for work. Safo Addo, a businessman, who lived in a storey building overlooking the house of Ofosu Ababio was also on his veranda at the same time. On seeing Ofosu Ababio washing his vehicle, he thought he was a thief trying to steal from the vehicle. So he shot Ofosu Ababio dead.

Safo Addo was charged with murder by the Attorney General and was committed to stand trial at the High Court, Accra.

Describe the trial from his arraignment to the time the Jury would deliver their verdict.

[23 MARKS]

QUESTION 4

Write short notes on ANY FOUR (4) of the following:

- a) CHALLENGE FOR CAUSE
- b) INTERROGATORIES
- c) NOLLE PROSEQUI
- d) SUMMONS TO SHOW CAUSE
- e) BAIL

[23 MARKS]

QUESTION 5

In a trial with a Jury, the judge is bound by the verdict of the Jury and has to deliver judgment according to that verdict.

But in a trial with the aid of Assessors, the judge is not bound by the opinion of the Assessors. He can set aside their opinion and deliver his own judgment.

This is the only significant difference between a trial with a Jury and a trial with the aid of Assessors. **Discuss**

[23 MARKS]

QUESTION 6

Nii Sanka and Nana Frimpong are Ghanaians resident in South Africa. Frimpong collected the sum of \$50,000.00 from Nii Sanka on the pretext of supplying him with 500 laptops, but he failed to do so and fled to Ghana. Nii Sanka followed him to Ghana and made a complaint to the police. Frimpong was arrested.

- a) What offence, if any, has been committed by Frimpong?
- b) Can he be prosecuted in Ghana?
- c) What is the extent of the Criminal Jurisdiction of our Courts?

[23 MARKS]

QUESTION 7

Kofi Benson a.k.a. Freebody, was convicted and sentenced on 17th March 2014 to 10 years I.H.L. by Her Worship, Mrs. Tricia Odame, the presiding Magistrate of the District Court, Tema, for the Offence of Assault contrary to section 84 of the Criminal Offences Act, (Act 29) of 1960. The facts were that the convict assaulted one Adobea Odame, the four year old daughter of the Magistrate, Mrs. Tricia Odame. You have been approached as a lawyer by the family of the convict to get him out of jail.

- a) Draft a motion for extension of time within which to file an appeal.
- b) Draft an affidavit in support of the motion for extension of time.
- c) Draft a petition of appeal pursuant to the grant of extension of time.

[23 MARKS]