

JOSEPH AYO BABALOLA UNIVERSITY
IKEJI-ARAKEJI, OSUN STATE

COLLEGE OF LAW
DEPARTMENT OF JURISPRUDENCE AND PUBLIC LAW
SECOND SEMESTER EXAMINATION, 2022/2023 ACADEMIC SESSION

Course Code: PUL 321
Course Title: CRIMINAL LAW II
Time allowed: 3 hours

Instruction: ANSWER 4 QUESTIONS IN ALL, 2 QUESTIONS IN EACH SECTION

SECTION A

1. One early evening, there was a fight between Eddie Gutierrez and Mario Cortez. Later that evening, at about 11 o'clock, Eddie passed by the house of Mario carrying a plastic bag containing gasoline, threw the bag at the house of Mario who was inside the house watching television, and then lit it. The front wall of the house started blazing and some neighbours yelled and shouted. Forthwith, Mario poured water on the burning portion of the house. Neighbours also rushed in to help put the fire under control before any great damage could be inflicted and before the flames have extensively spread. Only a portion of the house was burned.

Eddie Gutierrez escaped from the above scene and joined four other of his colleagues Wale, Mustapha, Uche and wazobia in a beer house along MacArthur Highway having a drinking spree. At about 1 o'clock in the morning, they decided to pay their bills but they were still short of P2,000.00. Eddie Gutierrez then orchestrated a plan whereby Wale, Mustapha, Uche and wazobia would go out, flag a taxicab and rob any taxi driver of all his money while Uche would wait for them in the beer house. Wale, Mustapha, Uche and wazobia agreed. All armed with balisongs, Wale, Mustapha, Uche and wazobia hailed the first taxicab they encountered. After robbing Bwari, the driver, of his earnings, which amounted to P1,000:00 only, they needed P1,000.00 more to meet their bill. So, they decided to hail another taxicab and they again robbed driver Taye of his hard-earned money amounting to P1,000. On their way back to the beer house, they were apprehended by a police team upon the complaint of Bwari, the driver of the first cab. Wale picked one of the Police Officer's bag containing money from the bonnet of the Police van without them suspecting except of the Police Officer known as Jacob, he pulled Wale by the side and said to him "you know that whether you are guilty or not, if i take you to the charge office, you will be locked up until the investigation ends. Instead of being locked up in the cell for nothing, if you are not guilty you should try and give me something" and demanded the sum of P10,000 to set him free so as to prevent the case from going to court.

(a). Peruse the above facts of the case and Identify the Legal Issues. 5 marks

(b) What crime or crimes, if any, did Eddie Gutierrez, Wale, Mustapha, Uche and Wazobia commit? 4 marks

(c) What crime or crimes, if any, did Officer Jacob commit? 3 1/2 marks

(d) Analyse with decided cases why you think he committed such offence? 5 marks

2. While walking along the canal bank after a day of fishing around 7pm, Paul notices a canal barge with an open window. He feeds his fishing net through the window hoping to catch something worth stealing. As his efforts are unsuccessful, Paul decides to climb in through the window. He is spotted by the owner of the barge, Johnny, who shouts, "Stop, thief!" Paul grabs a laptop from a table in the barge and tries to leave. He knocks over a vase in his panic, breaking it. As he tries to leave, he is confronted by Johnny. Paul hits Johnny round the head with the laptop and flees; as he flees he carried a big mental object and hit the windscreen of Paul's car.

He ran into other five (5) members of a gang operating in Mindanao with Gorio as over-all leader, Gorio assigned Paul, A B, and C to get money from Pedro, a businessman from Agusan. As instructed, Paul, A, B, and C, armed with guns, went to see Pedro and demanded P100,000.00. When Pedro refused, A pointed his gun at him while B hit him with the butt of his gun, Pedro gave the amount demanded. After the four (4) left, Pedro went to the PC Command to tell them what happened. On the way, he met Orlando, also a businessman. Orlando told him also that D and E, week earlier, wrote him a letter asking P50,000.00 and threatening to kill his son and wife should he fail to give the amount. Afraid that the two would make good their threat, he gave the money when D called him that day. Orlando was also on his way to the PC to report what happened.

- (a) Look vividly into the above scenarios and Identify Legal Issues as a future Criminal Lawyer. 7 ½ marks

- (b) What crime or crimes, if any, did Paul commit from the above scenario? Explain why you think he committed such offence? 5 marks

- (b) What crime did Paul, Gorio, A, B, C, D and E commit from the second fact stated above? Explain why you think they committed such offence? 5 Marks

3. Assuming you are a State counsel in the Ministry of Justice in Osun State and files containing legal advices were minuted to you; how will you prove the following cases successfully in court?

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| a. Armed robbery; | 3 ½ marks |
| b. Robbery; | 3 ½ marks |
| c. Burglary; | 3 ½ marks |
| d. House Breaking; | 3 ½ marks |
| e. Malicious Damage and Arson | 3 ½ marks |

SECTION B

4. Write short notes on
- Sedition
 - Treason.
 - Affray
 - Unlawful Assembly

5, What is the duty imposed by the ICPC Act on a public officer to whom bribe has been given, promised or offered, or any person from whom bribe has been solicited, obtained or attempt made to obtain from?

6. When will an inquest be held and for what purpose?