

CRW2603

May/June 2017

SELECTED TOPICS OF CRIMINAL LAW

Duration 2 Hours

100 Marks

EXAMINERS

FIRST

DR BJ GORDON

SECOND

DR K NAIDOO

Closed book examination

This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue

[TURN OVER]

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This examination paper consists of 5 pages

Read the instructions carefully before answering any questions

Answer all the questions

[TURN OVER]

Question 1

Read the statements set out in (a) and (b) in each question. Then choose the correct option below and write the number in your answer book.

Question 1.1

- (a) Murder can be committed negligently
- (b) If a perpetrator sets another person's car alight, it will amount to arson

Choose the correct option below and write the number in your answer book.

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) Only (a) is correct
- (4) Only (b) is correct (4)

Question 1.2

- (a) In the case of corruption, the corrupter *and* the corruptee both commit separate crimes
- (b) When a group of people toyi-toyi in front of an office building (without destroying anything), they are committing public violence

Choose the correct option below and write the number in your answer book.

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) Only (a) is correct
- (4) Only (b) is correct (4)

Question 1.3

- (a) Culpable homicide can be committed by way of an omission
- (b) A person can be kidnapped irrespective of his/her age

Choose the correct option below and write the number in your answer book.

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) Only (a) is correct
- (4) Only (b) is correct (4)

[TURN OVER]

Question 1.4

- (a) A perpetrator is someone whose actions fall within the definition of the crime
- (b) An accomplice is someone who helps the perpetrator to commit a crime

Choose the correct option below and write the number in your answer book

- (1) (a) and (b) are correct
 - (2) (a) and (b) are incorrect
 - (3) Only (a) is correct
 - (4) Only (b) is correct
- (4)

Question 1.5

- (a) *Crimen iniuria* is the unlawful, intentional and serious infringement of the dignity or privacy of another
- (b) The interests protected by the crime of *crimen iniuria* are the dignity and privacy of the person

Choose the correct option below and write the number in your answer book

- (1) (a) and (b) are correct
 - (2) (a) and (b) are incorrect
 - (3) Only (a) is correct
 - (4) Only (b) is correct
- (4)

Question 1.6

- (a) Temporary use of an object can be regarded as theft
- (b) Causation must be proved with murder

Choose the correct option below and write the number in your answer book

- (1) (a) and (b) are correct
 - (2) (a) and (b) are incorrect
 - (3) Only (a) is correct
 - (4) Only (b) is correct
- (4)

Question 1.7

- (a) If a person attempts to commit suicide, but does not succeed, he/she can be charged with attempted murder
- (b) If a person lies to another person, it is always fraud

Choose the correct option below and write the number in your answer book

- (1) (a) and (b) are correct
 - (2) (a) and (b) are incorrect
 - (3) Only (a) is correct
 - (4) Only (b) is correct
- (4)

[TURN OVER]

Question 1.8

- (a) At least potential prejudice is required for fraud
- (b) If a person has insufficient funds in his/her account, and he/she writes out a cheque, then he/she automatically commits cheque fraud, irrespective of his/her intention

Choose the correct option below and write the number in your answer book

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) Only (a) is correct
- (4) Only (b) is correct (4)

Question 1.9

- (a) The crime of corruption is regulated by the Prevention and Combating of Corrupt Activities Act 12 of 2004
- (b) If Peter offers a bribe to Susan, then he commits corruption only if Susan accepts the bribe

Choose the correct option below and write the number in your answer book

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) Only (a) is correct
- (4) Only (b) is correct (4)

Question 1.10

- (a) The Prevention and Combating of Corrupt Activities Act introduces a new crime where certain persons can commit a crime if they *fail to report corrupt activities*
- (b) When a police official takes down a statement in terms of section 34 of the Prevention and Combating of Corrupt Activities Act, he has to give the person who made the statement an *acknowledgement receipt*

Choose the correct option below and write the number in your answer book

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) Only (a) is correct
- (4) Only (b) is correct (4)

[40]

[TURN OVER]

Question 2

Vusi lives in a rural area where people still live according to traditional values. One day, Vusi and fifty other people visited a number of kraals where they assaulted persons suspected of being involved in witchcraft. Vusi and the group of people also damaged the kraals and the contents of the kraals. Their purpose was to chase away the witches. Everybody in the village was very concerned about what had happened and some people even feared for their lives.

Can Vusi be convicted of public violence? Discuss fully, with reference to case law.

NOTE **Do not** discuss any other crimes, such as malicious injury to property or assault.

[20]

Question 3

Peter and his beautiful wife, Betsy, have been married for five years. They live next door to a young bachelor named John. John finds Betsy very attractive, and eventually falls in love with her. John knows that Betsy is happily married and he decides to get rid of Peter so that he can marry Betsy himself. John plans to murder Peter. One evening, while Peter is locking the front gate, John walks over to Peter, pulls out a knife and stabs him. Peter dies of the stab wound that John inflicted. John returns to his own house and hides the knife. Two weeks later, the police apprehend John.

What crime did John commit? Discuss in detail, with reference to the elements of the crime.

[15]

Question 4

Briefly state the similarities and differences between common law perjury and statutory perjury.

[10]

Question 5

Gary is excited to buy a new car. When driving it home for the first time, he does not notice the green car with four people following him home. When Gary pulls into his driveway, the green car pulls up behind him, and four men jump out. One man holds a gun against Gary's head, and two other drive away with the new car. Gary is thrown to the side, and the remaining attackers flee with their green getaway car.

Which crime, if any, did the four men commit? Explain fully.

[15]

TOTAL [100]