

Tutorial Letter 101/3/2018

Criminal Law: General Principles CRW2601

Semester 1 and 2

Department of Criminal and Procedural Law

IMPORTANT INFORMATION:

This tutorial letter contains important information
about your module.

BAR CODE

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1 INTRODUCTION

Welcome to the first module in Criminal Law. We hope you will find it interesting and rewarding.

You will receive a number of tutorial letters during the year. A tutorial letter is our way of communicating with you about teaching, learning and assessment. This tutorial letter contains important information about the scheme of work, resources and assignments for this module. We urge you to read it carefully and to keep it at hand when working through the study material, doing assignments, preparing for the examination, and addressing questions to your lecturers.

This tutorial letter also provides all the relevant information with regard to the prescribed study material. Please read this information carefully and make sure that you obtain the prescribed material as soon as possible.

In this tutorial letter you will also find the assignments for the semester and instructions on how to do and submit them.

Finally, we include in this tutorial letter certain general and administrative information with regard to this module. Please study this section of the letter carefully.

We would like to point out that **you must read all the tutorial letters that you receive** during the semester **immediately and carefully** – they always contain important, and sometimes urgent, information.

Please read Tutorial Letter 301 in combination with Tutorial Letter 101, as it gives you an idea of generally important information when studying at a distance and within a particular College.

We hope that you will enjoy this module and wish you all the best!

2 PURPOSE AND OUTCOMES

2.1 Purpose

The code of this module is CRW2601. CRW2601 is a semester module. This means that if you are registered for this module in the first semester of 2018, you will write your examination in May/June 2018; and if you are registered in the second semester, you will write your examination in October/November 2018. If you fail the examination in May/June 2018 but are granted a supplementary examination, you will write the supplementary examination in October/November 2018. If you fail the examination in October/November 2018 but are granted a supplementary examination, you will write the supplementary examination in May/June 2019.

Criminal law is presented in two compulsory modules, namely, **CRW2601** and **CRW2602**. Module **CRW2601** deals with the **general principles** of criminal law. Module **CRW2602** deals with a number of **specific crimes**.

This module covers the theoretical principles underlying substantive criminal law. The **purpose** of this module (CRW2601) is for students to gain knowledge, skills, attitudes and competencies to analyse and solve problems relating to the general principles of criminal law. Students will be required to demonstrate a clear understanding of these principles, apply these principles to factual scenarios which occur in the real world, and solve problems related to criminal law in a work environment.

2.2 Outcomes

The **main outcomes** and competencies that you should develop by studying this module are the following:

- **Knowledge and understanding:** This fundamental outcome requires you to gain sufficient knowledge, skills and competencies to critically analyse and evaluate legal material, which includes the Constitution, legislation, case law and academic opinion directly pertaining to the general principles of criminal law.
- **Application:** You also have to develop the competency to formulate legal arguments and apply your knowledge to practical problems. This outcome can be achieved by, inter alia, doing the “activities” and the “test yourself” exercises included in the study material.

The outcomes and competencies mentioned above are also relevant for **assessment** purposes (by your lecturers, and for your own self-assessment). In the examination you will get **theoretical questions** which will require you to demonstrate your knowledge of the study material. You will also get a number of **problem-type questions** to assess your understanding and ability to apply your theoretical knowledge practically. Both types of questions will assess how you use certain competencies, for example your ability to remember legal principles and to apply them to factual scenarios.

Since you are a Unisa student learning through distance education, you will also be required to evaluate yourself. **Self-evaluation** is an important tool for assessing the extent to which you have achieved the study outcomes. Apart from the feedback on assignments, which will provide specific guidance, you must take note of the specific outcomes identified in each study unit to determine whether you have achieved the knowledge and insight required. In this way you will be able to identify areas in which you may need to improve your knowledge and/or understanding.

3 LECTURERS AND CONTACT DETAILS

3.1 Lecturers

Please direct all queries about the module content (**and not about administrative matters**) to us, and ensure that you have the study material at hand when doing so.

Letters should be sent to:

The Module Leader (**CRW2601**)
Department of Criminal and Procedural Law
Unisa
PO Box 392
UNISA
0003

PLEASE NOTE: Letters to lecturers may not be enclosed with or inserted into assignments.

You may contact us **by telephone** at the following numbers:

Prof N Mollema	(012) 429 8384
Prof L Jordaan	(012) 429 8425
Mr RD Ramosa	(012) 429 8403

When we are not available, phone calls will be forwarded to an answering machine. You can therefore leave voicemail messages for your lecturers at any time of the day or night. We will reply as soon as possible.

You are welcome to visit us to discuss any queries about or problems concerning the module. However, **please make an appointment beforehand**, otherwise you run the risk of the lecturer not being available to see you. Our offices are on the 8th floor of the Cas van Vuuren Building, Main Campus, Muckleneuk Ridge, Pretoria. Our office numbers are:

Prof N Mollema	Cas van Vuuren	8-88
Prof L Jordaan	Cas van Vuuren	8-94
Mr RD Ramosa	Cas van Vuuren	8-102

Students who have access to the Internet may contact the lecturers at the following e-mail addresses:

Prof N Mollema	mollen@unisa.ac.za
Prof L Jordaan	jordal@unisa.ac.za
Mr RD Ramosa	ramosrd@unisa.ac.za

3.2 Department

If you cannot get hold of your lecturers, you are also welcome to leave a message with the departmental secretary at **(012) 429 8397/4995/8444**.

3.3 University

If you need to contact the university about matters not related to the content of this module, please consult the publication *my Studies @ Unisa*, which you received with your study material. This brochure contains information on how to contact the university (e.g. to whom you can write for different queries, important telephone and fax numbers, addresses and details of the times certain facilities are open).

4 RESOURCES

4.1 Study material

The Department of Despatch should have supplied you with the following study material for this module:

- A study guide
- A Case-Law Reader
- Tutorial Letters 101 and 301 at registration and others later during the course of the semester

Apart from Tutorial Letters 101 and 301, you will also receive other tutorial letters during the semester. These tutorial letters will not necessarily be available at the time of registration, but will be despatched to you as soon as they are available or needed (for instance, for feedback on assignments).

If you have access to the internet, you can view the study guides and tutorial letters for the modules for which you are registered on the University's online campus, *myUnisa*, at: <http://my.unisa.ac.za>.

The study guide consists of 16 study units. The introduction contains a description of the literature for this course and the study method you should follow. Please read the introductory chapter of your study guide carefully, as it sets out what we expect of you in this module. Point 5, namely "Method of study", is particularly important.

4.2 Prescribed textbooks

The prescribed books for CRW2601 are:

- (1) **Snyman CR *Criminal Law* 6th ed (2014) LexisNexis**
- (2) ***Case Law Reader for CRW2601***

Please consult the list of official booksellers and their addresses listed in *my Studies @ Unisa*. If you have any difficulty obtaining Snyman's book from these bookshops, please contact the Prescribed Books Section at telephone no. 012 429 4152 or email vospresc@unisa.ac.za. You can also order Snyman's book directly from the publishers.

Bear in mind that merely memorising the contents of the study guide is not sufficient. You must also consult your prescribed works. Certain parts of criminal law which you must study for the examination are not discussed in the study guide but only in your textbook, *Criminal Law*. **You have to study these parts of the syllabus in the above-mentioned book.** In the course of the discussions in the study guide we refer you to those parts of the book which you must study. Furthermore, if the discussion of a certain topic in the study guide is not clear to you, it will probably become clearer if you consult the discussion of that particular topic in the prescribed works.

4.3 Prescribed cases

The following is a list of decided cases that are prescribed for the examination. It is **COMPULSORY** to study these cases in conjunction with the study guide and the prescribed textbook. This will help you gain greater insight into the relevant principles and their application. All the cases appear in your **prescribed *Case Law Reader* which you will receive with your study material.**

For the purposes of this module, you need to study the prescribed cases as they appear in your prescribed Reader only.

Theories of punishment

Zinn 1969 (2) SA 537 (A)

Principle of legality

Masiya 2007 (2) SACR 435 (CC)

Mshumpa 2008 (1) SACR 126 (E)

Prins 2012 (2) SACR 183 (SCA)

The requirement of an act

Henry 1999 (1) SACR 13 (SCA)

Omission

Minister van Polisie v Ewels 1975 (3) SA 590 (A)

Causation

Mokgethi 1990 (1) SA 32 (A)

Tembani 2007 (1) SACR 355 (SCA)

Unlawfulness

Fourie 2001 (2) SACR 674 (C)

Private defence

Van Wyk 1967 (1) SA 488 (A)
Patel 1959 (3) SA 121 (A)
Steyn 2010 (1) SACR 411 (SCA)

Necessity

Goliath 1972 (3) SA 1 (A)

Criminal Capacity

Eadie 2002 (1) SACR 663 (SCA)

Culpability

Masilela 1968 (2) SA 558 (A)
Mtshiza 1970 (3) SA 747 (A)
De Blom 1977 (3) SA 513 (A)
De Oliveira 1993 (2) SACR 59 (A)
Lungile 1999 (2) SACR 597 (A)

Intoxication

Chretien 1981 (1) SA 1097 (A)

Participation

Safatsa 1988 (1) SA 868 (A)
Thebus 2003 (2) SACR 319 (CC)
Molimi 2006 (2) SACR 8 (SCA)

Attempt

Schoombie 1945 AD 541
Davies 1956 (3) SA 52 (A)

4.4 Library services and resources information

For brief information, go to www.unisa.ac.za/brochures/studies

For detailed information, go to <http://www.unisa.ac.za/library>. For research support and services of personal librarians, click on "Research support".

The library has compiled a number of library guides:

- finding recommended reading in the print collection and e-reserves – <http://libguides.unisa.ac.za/request/undergrad>
- requesting material – <http://libguides.unisa.ac.za/request/request>
- postgraduate information services – <http://libguides.unisa.ac.za/request/postgrad>
- finding, obtaining and using library resources and tools to assist in doing research – http://libguides.unisa.ac.za/Research_Skills
- how to contact the library/finding us on social media/frequently asked questions – <http://libguides.unisa.ac.za/ask>

5 STUDENT SUPPORT SYSTEM

5.1 General

For information on the various student support systems and services available at Unisa (e.g. student counselling, tutorial classes, language support), please consult the publication *my Studies @ Unisa* which you received with your study material.

5.2 Contact with fellow students

5.2.1 Study groups

We recommend that you establish contact with fellow students. One way of doing this is to form study groups. The addresses of other students in your neighbourhood are obtainable from:

Directorate: Student Administration and Registration
PO Box 392
UNISA
0003

5.2.2 myUNISA

If you have access to a computer that is linked to the internet, you can quickly access resources and information at the university. The myUnisa learner management system is Unisa's online campus that will help you to communicate with your lecturers, with other students and with the administrative departments at Unisa – all via the Internet.

To go to the myUnisa website, start at the main Unisa website <http://www.unisa.ac.za> and click on the link "Login to myUnisa" under the subject head "myUnisa". This will link you to the myUnisa main website. You can also go there directly by typing in <https://my.unisa.ac.za>. **Please consult the publication *my Studies @ Unisa*, which you received with your study material, for more information on myUnisa.**

5.3 Free computer and internet access

Unisa has entered into partnerships with establishments (referred to as Telecentres) in various locations across South Africa to enable you (as a Unisa student) free access to computers and the Internet. This access enables you to conduct the following academic related activities: registration; online submission of assignments; engaging in e-tutoring activities and signature courses; etc. Please note that any other activities outside of these are for your own costing e.g. printing, photocopying, etc. For more information on the Telecentre nearest to you, please visit www.unisa.ac.za/telecentres.

5.4 Discussion classes

There will be group discussions for this module. The dates and times of the group discussions will be made known to you in your Tutorial letter 102.

5.5 Tutorials

Unisa offers additional academic support to students to develop and enhance their learning experience. Students, at especially first and second-year levels, are provided with weekly face-to-face tutorials led by qualified tutors. For more information on tutorial support services, consult *my Studies @ Unisa*.

Please note that e-tutors are now available for this module, CRW2601. The e-tutors will assist you with content-related enquiries and with general enquiries regarding the assignments and examination. The e-tutors are only available online via the myUnisa website for this module. You are not allowed to contact your e-tutor telephonically, via e-mail or via ordinary post. The e-tutors are appointed when the registration period for a particular semester has closed, and the University will notify you once you have been

allocated an e-tutor. Any updates or other important information will be conveyed to you on the forum for announcements on this module's *myUnisa* website.

Keep in mind that your e-tutors communicate regularly with lecturers. This means that they are able to convey to you all the important information on the content and administration of this module. However, we still encourage you to use the general *myUnisa* discussion forum to communicate with your fellow students and lecturers. Please treat your e-tutor with respect; failure to do so may lead to disciplinary action. Remember, your e-tutor is there to assist you and to guide you through the module. However, it is ultimately your responsibility to pass this module. This means that you have to study hard and start preparing for the examination well in advance.

6 STUDY PLAN

The specific study plan for CRW2601 below is based on the assumption that all academic activities for the 1st semester 2018 will commence in February and continue until the end of April 2018. For the 2nd semester 2018, studies will commence in July and continue until the end of September 2018. The examination period for the 1st semester commences early in May 2018 and runs till early June 2018, while the examination period for the 2nd semester commences early in October 2018 and runs till November 2018.

<u>Curriculum</u>	<u>Week beginning on:</u> <u>1st semester/2nd semester</u>	Content
Study units 1 & 2	2018-01-29 / 2018-07-02	Introduction/ The principle of legality
Study unit 3	2018-02-05 / 2018-07-09	The requirement of an act
Study unit 4	2018-02-12 / 2018-07-16	Causation
Study units 5 & 6	2018-02-19 / 2018-07-23	Unlawfulness I and II
Study units 7 & 8	2018-02-26 / 2018-07-30	Culpability and Criminal Capacity
Study unit 9	2018-03-05 / 2018-08-06	Intention
Study-unit 10	2018-03-12 / 2018-08-13	Intention (continued)
Study-unit 11	2018-03-19 / 2018-08-20	Negligence
Study unit 12	2018-03-26 / 2018-08-27	The effect of intoxication and provocation on criminal liability
Study units 13 & 14	2018-04-02 / 2018-09-03	Strict liability and Participation I
Study unit 15	2018-04-09 / 2018-09-10	Participation II
Study unit 16	2018-04-16 / 2018-09-17	Attempt, conspiracy and incitement
Revision	2018-04-23 / 2018-09-24	Revision of assignments/feedback
Revision	2018-04-30 / 2018-10-01	Revision of previous examination papers

7 ASSESSMENT

7.1 General

Assignments, like the activities in the study guide, form an extremely important part of the module. As you do the assignments, study the reading texts, consult other resources, discuss the work with fellow students or tutors, or do research, you are actively engaged in learning. In the assignments you have to prove that you have the required knowledge and insight into the subject to answer relevant questions. You must submit **two compulsory assignments** in the semester for which you are registered.

7.2 Commentaries and feedback on assignments

We will send commentaries on the compulsory assignments in tutorial letters to all students who are registered for this module, and not only to those students who submitted the assignments. You will receive the correct answers for multiple-choice questions automatically. For written assignments, markers will provide constructive feedback on your individual work. As soon as you receive the commentaries, please check your answers against them as well as the feedback.

The assignments and the commentaries thereof constitute an important part of your study material for the examination. In addition to the two compulsory assignments, we also include a self-assessment assignment, with model answers, in this tutorial letter.

7.3 Assignments and assessment criteria

The assignments you have to do in this module will be assessed in terms of the following desired outcomes and assessment criteria:

7.3.1 The specific desired outcomes to be assessed in CRW2601

Outcome 1:

- The ability to critically apply knowledge, skills and competencies to solve problems relating to the general principles of criminal law.

Outcome 2:

- Formulation of legal argument and application of knowledge to practical problems that may arise in the field of criminal law.

7.3.2 The assessment criteria related to each specific outcome:

Outcome 1:

- Legal problems and issues relating to criminal law are **identified** in simulated factual scenarios.
- A sound understanding of concepts, rules, established principles and elements relating to criminal law is **demonstrated**.
- Legal material related to criminal law is critically analysed and synthesised.
- Views expressed in the text are reflected on, evaluated and debated critically.

Outcome 2:

- Familiar problems relating to criminal law are solved using the correct legal principles.
- Legal text is skilfully used to substantiate arguments and support solutions for specific criminal law issues.

7.4 Warning against plagiarism

Students often find it rewarding to work in a group when preparing an assignment and Unisa encourages students to work together. However, please note that you must give your own interpretation of what you have learnt from the group.

Please note: Although students may work together when preparing assignments, each student must write and submit his or her own individual assignment. Identical assignments that are handed-in by different members of a group are not acceptable.

This amounts to plagiarism, and such assignments will not be marked. In addition, these students may be penalised or subjected to the disciplinary proceedings of the University.

7.5 Unique assignment numbers

The unique assignment numbers for the two compulsory assignments are the following:

Semester 01: Assignment 01: 895982
Assignment 02: 837117

Semester 02: Assignment 01: 677700
Assignment 02: 780326

7.6 Submission dates for assignments

The closing dates for the submission of the two compulsory assignments are the following:

Semester 01: Assignment 01: 14 March 2018
Assignment 02: 4 April 2018

Semester 02: Assignment 01: 22 August 2018
Assignment 02: 10 September 2018

Please note that the closing dates for assignments are the dates on which assignments must reach Unisa.

7.7 Submission of assignments

Assignments should be addressed to:

The Registrar
 PO Box 392
 Unisa
 0003

You may submit written assignments and assignments done on mark-reading sheets either by post or electronically via *myUnisa*. **You may not submit assignments by fax or e-mail.** For detailed information and requirements as far as assignments are concerned, see the brochure *my Studies @ Unisa*.

To submit an assignment via *myUnisa*:

- Go to *myUnisa*.
- Log in with your student number and password.
- Select the module from the orange bar.
- Click on assignments in the left menu.
- Click on the assignment number you want to submit.
- Follow the instructions.

7.8 Assignment queries

PLEASE NOTE: If you have any **queries about assignments (e.g. whether or not the University has received your assignment or the date on which an assignment was returned to you)**, you should contact the University at **012 429 6166**. You might also find information on ***myUnisa***.

7.9 Assignments

7.9.1 Compulsory and self-assessment assignments

There are **TWO compulsory assignments** and **one self-evaluation assignment per semester** for this module. **WHILST BOTH COMPULSORY ASSIGNMENTS CONTRIBUTE TO YOUR SEMESTER MARK, YOU HAVE TO SUBMIT THE FIRST COMPULSORY ASSIGNMENT IN ORDER TO OBTAIN ADMISSION TO THE EXAMINATION** (see 7.1 above). We also include a self-evaluation assignment with model answers which you must do on your own in order to prepare for the examination. **You must not submit the self-assessment assignment for marking.**

7.9.2 Compulsory assignment 01/2018 Closing date: 14 MARCH 2018

Semester 1
Unique number: 895982

Please note that this assignment is compulsory for students registered for **CRW2601** in the **FIRST SEMESTER**. It is the **first compulsory assignment** for the **FIRST SEMESTER**. You have to submit this assignment on time in order to obtain admission to the examination in May/June 2018.

This assignment consists of one problem-type question covering study units 1 to 6. Consult the booklet *my Studies @ Unisa* regarding the requirements for submitting the assignment.

Substantiate your answers and refer to decided cases where relevant. In determining the length of your answers you should be guided by the marks allocated to each subdivision.

QUESTION

Answer the following questions referring to relevant case law:

A is a farmer who lives with his wife, B, in a remote part of the Limpopo province. One evening, he hears a noise at the backdoor. The next moment two men with guns enter the house, demanding money from A. A responds instantly and instructs his Rottweiler dog to attack the men. One of the men, X, is bitten in the leg and falls to the ground. The other robber, Y, fires a shot at the dog which immediately causes its death. He (Y) then grabs A's wife, B, by the throat, puts the gun against her head and threatens that he will kill her if A does not hand over money to him. At that moment, the neighbour, C, arrives through the backdoor and fires a shot at Y from behind. The bullet penetrates Y's skull in the back of his head and he dies instantly.

Answer the following questions:

- (i) By instructing his dog to attack the men, did X perform an **act in the legal sense** of the word? Give a reason for your answer. (2)
- (ii) C is charged with the murder of Y. Consider whether C can rely on a ground of justification and give reasons for your answer. (8)

Total: [10]

(THE ANSWER TO THIS QUESTION MAY NOT EXCEED ONE PAGE.)

7.9.3 Compulsory assignment 02
Closing date: 4 APRIL 2018

Semester 1
Unique number: 837117

Please note that this assignment is compulsory for students registered for CRW2601 in the FIRST SEMESTER. It is the second compulsory assignment for the FIRST SEMESTER.

This assignment consists of five multiple-choice questions covering **study units 7 to 16**.

You have to answer the questions in this assignment on the mark-reading sheet that was issued with your tutorial material. As indicated above, you may also submit this assignment via the Internet. Read the instructions on the use of the mark-reading sheet carefully, as non-compliance with these will mean that the computer cannot mark your answers.

Five questions (marked 1–5) follow. Each question contains three statements (marked (a)–(c)). Some of the statements are correct and some are incorrect. You must decide which of these statements is/are correct. The three statements are followed by five allegations (marked (1)–(5)). Each of them alleges that a certain statement or combination of statements is/are correct. You must decide which allegation accurately reflects the conclusions that you have reached.

Question 1

- (a) Defences that exclude the element of culpability are referred to as “grounds of justification”.
 - (b) The test to determine whether a person had criminal capacity when he or she committed a prohibited act is merely to ask whether he or she had the ability to appreciate the wrongfulness of his or her conduct.
 - (c) In *Eadie* 2002 (1) SACR 663 (SCA) the court acquitted the accused on the basis that he had acted in a state of sane automatism at the time that he killed the victim.
- (1) None of the statements is correct.
 - (2) Only statements (a) and (b) are correct.
 - (3) Only statements (b) and (c) are correct.
 - (4) Only statement (a) is correct.
 - (5) Only statements (a) and (c) are correct.

Question 2

- (a) In *Kavin* 1978 (2) SA 731 (W) the court found that the accused, who had killed his family while he was suffering from depression, could rely on the defence of non-pathological criminal incapacity.
 - (b) Diminished responsibility is recognised in section 78(7) of the Criminal Procedure Act 51 of 1977 as a complete defence that may result in an acquittal.
 - (c) There is a rebuttable presumption that a child who is ten years or older but under the age of 14 lacks criminal capacity.
- (1) Only statements (a) and (c) are correct.
 - (2) Only statements (a) and (b) are correct.
 - (3) Only statements (b) and (c) are correct.
 - (4) Only statement (c) is correct.
 - (5) Only statement (b) is correct.

Question 3

- (a) If X wants to kill Y who is holding her baby, and fires a shot foreseeing that by hitting Y, there is a possibility that the baby will be killed as well and he reconciles him with this possibility, X has *dolus eventualis* in respect of the killing of the baby.
 - (b) If X fires a shot at a person who he mistakenly thinks is a burglar, but it turns out to be his neighbour, X can rely on the defence known as putative private defence, which excludes culpability.
 - (c) If X genuinely thinks that her friend Y, gave her (Y's) string of pearls to X forever but, in actual fact, Y only lent the pearls to X to wear to a party, X, if charged with theft, can rely on the defence of mistake.
- (1) Only statement (b) is correct.
 - (2) Only statements (a) and (b) are correct.
 - (3) Only statements (b) and (c) are correct.
 - (4) Only statements (a) and (c) are correct.
 - (5) All the statements are correct.

Question 4

- (a) *Aberratio ictus* means that X cannot be held liable for a crime since he lacked culpability as a result of a mistake.
 - (b) Mistake of law is a defence on a charge of a crime requiring intention provided that the mistake was reasonable.
 - (c) Negligence is determined by means of an objective test, which involves a comparison of the conduct of the accused with that of a reasonable person in the same circumstances.
- (1) Only statement (a) is correct.
 - (2) Only statement (b) is correct.
 - (3) Only statements (b) and (c) are correct.
 - (4) None of the statements is correct.
 - (5) Only statement (c) is correct.

Question 5

- (a) In *Chretien* 1981 (1) SA 1097 (A) the court rejected the "specific intent" theory.
 - (b) Section 1 of the Criminal Law Amendment Act 1 of 1988 creates a statutory offence that provides for the conviction of a person who is acquitted of an initial charge (for example, murder) on the basis that he or she, as a result of intoxication, had lacked criminal capacity.
 - (c) In terms of the doctrine of common purpose, the intention of each participant in a collective criminal enterprise is imputed to the other participants.
- (1) Only statement (a) is correct.
 - (2) Only statements (a) and (b) are correct.
 - (3) Only statement (b) is correct.
 - (4) None of the statements is correct.
 - (5) Only statements (b) and (c) are correct.

7.9.4 Compulsory assignment 01
Closing date: 22 AUGUST 2018

Semester 2
Unique number: 677700

Please note that this assignment is compulsory for students registered for **CRW2601** in the **SECOND SEMESTER**. It is the **first compulsory assignment** for the **SECOND SEMESTER**. You have to submit this assignment on time in order to obtain admission to the examination in October/November 2018.

This assignment consists of one problem-type question covering study units 1 to 6. Consult the booklet *my Studies @ Unisa* regarding the requirements for submitting the assignment.

Substantiate your answers and refer to decided cases where relevant. In determining the length of your answers you should be guided by the marks allocated to each subdivision.

QUESTION

X and Y goes to a picnic spot in a park in Johannesburg. They are not allowed to make a fire in the park but they stay late and as it gets dark, they decide to make a fire nevertheless and braai hamburger patties. When they leave the picnic spot, they fail to put out the fire. During the night, a wind comes up and the fire spreads to the residential area next to the park. A, an old man who lives in a house adjoining the park is not alerted in time to evacuate his house and burns to death. Both X and Y are charged with culpable homicide.

Answer the following questions.

- (i) Did both X and Y perform an act (conduct) in the legal sense of the word? Give a reason for your answer and refer to relevant case law. (3)
- (ii) Discuss the question whether the conduct of X and Y can be viewed as the factual as well as the legal cause of A's death. (7)

Total: [10]

(THE ANSWER TO THIS QUESTION MAY NOT EXCEED ONE PAGE.)

7.9.5 Compulsory assignment 02
Closing date: 10 SEPTEMBER 2018

Semester 2
Unique number: 780326

Please note that this assignment is compulsory for students registered for CRW2601 in the SECOND SEMESTER. It is the second compulsory assignment for the SECOND SEMESTER.

This assignment consists of five multiple-choice questions covering **study units 7 to 16**.

You have to answer the questions in this assignment on the mark-reading sheet that was issued with your tutorial material. As indicated above, you may also submit this assignment via the Internet. Read the instructions on the use of the mark-reading sheet carefully, as non-compliance with these will mean that the computer cannot mark your answers.

Five questions (marked 1–5) follow. Each question contains three statements (marked (a)–(c)). Some of the statements are correct and some are incorrect. You must decide which of these statements is/are correct. The three statements are followed by five allegations (marked (1)–(5)). Each of them alleges that a certain statement or combination of statements is/are correct. You must decide which allegation accurately reflects the conclusions that you have reached.

Question 1

- (a) Criminal capacity deals with certain cognitive and conative **abilities** of a person whereas intention deals with a person's **attitude or state of mind**.
 - (b) Mental illness is a defence that is described in the law as non-pathological criminal incapacity.
 - (c) If X succeeds with a defence of mental illness, the court **must** order that he or she be detained in a psychiatric institution.
- (1) All the statements are correct.
 - (2) Only statement (a) is correct.
 - (3) Only statements (a) and (b) are correct.
 - (4) Only statements (a) and (c) are correct.
 - (5) Only statements (b) and (c) are correct.

Question 2

- (a) Whether X acted with intention in the form of *dolus eventualis* requires an objective enquiry whether his or her conduct falls short of that of the reasonable person in the same circumstances.
 - (b) If X is charged with theft on the ground that he took someone else's suitcase at the airport and he avers in his defence that he was under the impression that it was his own suitcase since it looked exactly like his own, X may be acquitted on the ground that he lacked intention.
 - (c) X will have no defence if he smokes on a domestic flight whilst genuinely believing that his conduct is lawful, even though in actual fact such conduct is prohibited in terms of a statutory provision.
- (1) None of the statements is correct.
 - (2) Only statements (a) and (b) are correct.
 - (3) Only statements (a) and (c) are correct.
 - (4) Only statement (c) is correct.
 - (5) Only statement (b) is correct.

Question 3

- (a) If X goes hunting on a game farm and in the dark, fires a shot at what he believes to be a leopard but it turns out to be one of the children who lives on the farm, he cannot be convicted of murder since he had made a material mistake.
- (b) A situation of *aberratio ictus* is present if X puts poison in the garden with the intention to kill rats and a child who plays in the garden accidentally eats the poison and dies as a result.
- (c) According to the **concrete culpability approach** the ordinary principles relating to *dolus eventualis* and negligence are applied to determine criminal liability in situations of *aberratio ictus*.

- (1) Only statement (a) is correct.
- (2) Only statement (b) is correct.
- (3) Only statements (a) and (b) are correct.
- (4) All the statements are correct.
- (5) Only statements (b) and (c) are correct.

Question 4

- (a) In *Chretien* 1981 (1) SA 1097 (A), the court held that if X is acquitted of attempted murder as a result of intoxication, he may still be convicted of the lesser offence of assault since the “specific intent” theory forms part of our law.
 - (b) If a person is acquitted of murder on the ground that he had **lacked criminal capacity** as a result of intoxication, he may still be convicted of a contravention of section 1 of the Criminal Law Amendment Act 1 of 1988.
 - (c) If a surgeon is charged with culpable homicide, his conduct is measured against that of a reasonable surgeon in the same circumstances.
- (1) Only statements (a) and (b) are correct.
 - (2) Only statements (b) and (c) are correct.
 - (3) Only statements (a) and (c) are correct.
 - (4) Only statement (a) is correct.
 - (5) Only statement (b) is correct.

Question 5

- (a) If X pays a contract killer, Y, to kill Z, X is regarded as an accomplice and Y as a perpetrator of the crime of murder.
 - (b) A finding that a person acted together with one or more other persons in a common purpose may **only** be based on proof of a prior agreement to commit the crime.
 - (c) A person may be held criminally liable as an accomplice even if he or she only furthered the crime negligently.
- (1) Only statement (a) is correct.
 - (2) Only statements (a) and (b) are correct.
 - (3) Only statements (b) and (c) are correct.
 - (4) Only statements (a) and (c) are correct.
 - (5) None of the statements is correct.

7.10 Self-assessment assignment

The following questions are typical questions that you may expect in the examination. They provide a useful exercise for revision and self-evaluation.

The answers appear after each question. In order to benefit from the assignment, we suggest that you answer the questions yourself before looking at the answers.

NOTE: DO NOT SUBMIT YOUR ANSWERS TO THIS ASSIGNMENT FOR MARKING.

Question 1

In June 2018, X is charged with drunken driving, a crime which he had allegedly committed in September 2014. Assume that, at that time (in 2015), legislation provided that a first offender could not be sent to prison for a conviction for drunken driving. However, in February 2018 the legislature amended the legislation, giving the courts discretion to send a first offender convicted of drunken driving to prison for a period not exceeding six months.

X, a first offender, is convicted of the crime of drunken driving. The court, relying on the new legislation, sentences him to a period of three months' imprisonment. Discuss whether the punishment imposed by the court may be challenged on the ground that it violates the principle of legality.

Answer

The punishment of imprisonment imposed on X may be challenged on the grounds that it violates the *ius praeivum* rule. In the context of punishment, this principle means that a more severe punishment may not be imposed on a person than the punishment that could be imposed at the time of the commission of the offence. See 2.8 in the study guide and the discussion of section 35(3)(n) of the South African Constitution.

Question 2

X's hobby is to fly a micro light plane. One day, while flying over a beach, the engine of his plane suddenly stalls. X is unable to control the plane and it crashes on the beach. The boat of Y, a fisherman, is damaged by the impact. X is charged with malicious injury to the property of Y. Discuss which defence X could invoke.

Answer

X may rely on the defence that he did not perform a voluntary act. In fact, the voluntariness of his act was excluded by natural forces, namely, the gravity of the earth, which pulled the plane down onto the beach and into Y's boat. See 3.3.4.2b in the study guide. Some of you probably answered this question by saying that X lacked the intention to damage Y's boat. Remember that the question whether or not a person acted with intention comes into play only after it has been established that he/she performed a voluntary act which complied with the definitional elements of a crime and was unlawful.

Question 3

X shoots Y twice in the chest and the abdomen with the intention to kill him. Y is admitted to a state hospital, where he receives inadequate and negligent care. He dies two weeks later as a result of septicaemia, caused by the gunshot wounds. X is charged with murder. X's lawyer argues that the negligence and inadequate care in the hospital constituted a *novus actus interveniens*, which broke the chain of causation between X's original act and the ultimate result.

You are the state prosecutor. Discuss the arguments that you would present to prove that X's act was the cause of Y's death.

Answer

The state will have to prove that X's act was the factual, as well as the legal, cause of Y's death. Factual causation is easy to prove: had X not shot Y in the chest and stomach, he would not have been admitted to hospital and would not have contracted septicaemia. Therefore, X's act is a *conditio sine qua non* of Y's death. X's act can also be viewed as the legal cause of Y's death based on policy considerations. The relevant authority is *S v Tembani* 2007 (1) SACR 355 (SCA).

In this case, the Supreme Court of Appeal held that the deliberate infliction of an intrinsically dangerous wound from which the victim is likely to die without medical intervention must generally lead to liability for an ensuing death, even if the medical treatment given later is substandard or negligent. However, the negligent medical treatment may be viewed as a *novus actus interveniens* if, at the time of the treatment, the victim had recovered to such an extent that the original injury no longer posed a danger to his life. In terms of the stated facts, this is not the position. Therefore, X's act can be viewed as the factual, as well as the legal, cause of Y's death.

Question 4

Y, a 60-year-old woman, lives on her own in a flat. One evening, while lying in bed, she hears a noise in the passage. She switches on the light, only to discover a young man, aged about 17, standing at her bed. The man has a knife in his hand. He pushes her onto the bed, telling her that he is going to rape her and that, as long as she keeps quiet, he will not kill her. Y has a gun, which she keeps under her bed. Before X can rape her, she manages to get hold of the gun. She shoots X in the forehead. X dies instantly as a result of the gunshot wound. Y is charged with murder. You are her legal representative. Discuss which defence you will invoke and on which authority you will rely.

Answer

Y can invoke the defence of private defence. Her conduct complied with all the requirements for private defence. There was, inter alia, a reasonable relationship between the attack and the defensive act. Strict proportionality is not required (ie. there need not be a proportional relationship between the weapons or means used by the attacker and the weapons or means used by the attacked party). The nature of the interest threatened and the nature of the interest impaired need not be similar. The proper consideration is whether, in the light of all the circumstances, the defender acted reasonably. See *Steyn 2010 (1) SACR 411 (SCA)*. See 5.3 and especially 5.3.3(3) in the study guide.

Question 5

X recently gave birth. She is still in hospital. One night she gets up from her bed, walks to the ward where the babies are kept, and strangles her baby. Discuss whether X can be convicted of murder or any other crime if the evidence reveals the following: X suffers from schizophrenia, a well-known disease of the mind, and was labouring under hallucinations when she killed her baby. She was seeing monsters and hearing a voice instructing her to destroy the "monster lying in the cradle".

Answer

The court will most probably find that X lacked criminal capacity at the time of the events. Since X was suffering from a mental illness when she killed Y, she will be found not guilty in terms of section 78(1) of the Criminal Procedure Act 51 of 1977. In terms of this section, X clearly complies with the pathological leg of the test for criminal incapacity. From the facts it is apparent that she lacked the ability to appreciate the wrongfulness of her act. She therefore also complies with the psychological leg of the test for criminal incapacity, more specifically because she lacked the ability to differentiate between right and wrong (i.e., the cognitive function). This incapacity can be attributed to the mental illness from which she was suffering (schizophrenia, with accompanying hallucinations). See 8.2 in the study guide.

Question 6

Which rules should be applied to determine whether or not a youth has criminal capacity?

Answer

- (1) A child **under the age of 10 years** is irrebuttably presumed to lack criminal capacity. A child can therefore never be convicted of any crime on the basis of an act or omission committed before his or her tenth birthday.
- (2) A child who is **10 years old or older but under the age of 14** is rebuttably presumed to lack criminal capacity. A child who falls in this age group can therefore be convicted of a crime if the state rebuts the presumption of criminal incapacity beyond reasonable doubt.

Question 7

X is the mother of a five-year-old boy, and a single parent. One night, at 04:00, she is woken by the sound of a person walking down the passage of her house. She gets up, grabs her pistol and creeps down the passage. In the dark lounge she sees a figure moving behind the sofa. Fear overcomes her and, believing it to be a burglar who is hiding behind the sofa, she fires a shot in the direction of the sofa. After the noise has died down, she inspects the scene and finds that she has killed her five-year-old son. It appears that the boy was sleepwalking when his mother mistook him for a burglar and shot him. Can X be convicted of murder or any other crime? Discuss.

Answer

X must be acquitted of murder. Although, objectively speaking, no situation of private defence actually existed and X therefore cannot successfully rely on the ground of justification known as private defence, she lacked the intention required for a conviction of murder because she erred in respect of the unlawfulness of her act. She believed that she was acting in private defence. See 10.6.1 in the study guide. (Note that this situation differs from the one described in question 5. There, X lacked the ability to appreciate the wrongfulness of her act.) X could possibly be convicted of culpable homicide. This would be the case if a reasonable person in her position would have foreseen that the figure behind the sofa might not be an attacker (in other words that this is not a situation of private defence) and that her conduct could lead to the death of an innocent person. A reasonable person would have taken steps to prevent harm being caused to an innocent person and X's conduct therefore differed from that which is expected from a reasonable person.

Question 8

X and his entire family go boating at the local dam. X drinks one beer after the other and decides to race around the dam in his ski-boat. X steers the boat. As he is intoxicated, X fails to keep a proper lookout and runs over Y, who is swimming in the dam. Y succumbs owing to blood loss from a wound to his head made by the propeller of X's boat. The court finds that, although X was not so intoxicated that he lacked criminal capacity, he was so intoxicated that he could not have had the intention to cause Y's death.

Can X be convicted of a contravention of section 1 of Act 1 of 1988 and/or culpable homicide?

Answer

X cannot be convicted of a contravention of section 1 of Act 1 of 1988. Section 1 does not make provision for the case where X's intention is excluded as a result of intoxication. A case such as *Chretien* will therefore not be affected by section 1. See 12.5.3 and especially 12.5.3(2) in the study guide. (If X were so drunk that he lacked criminal capacity, the section would find

application.) X can, however, be convicted of culpable homicide. This ought to be the case *in casu*, since the reasonable person would not have raced around in a boat after such an excessive intake of alcohol. See 12.6 in the study guide.

Question 9

X and Z are both taxi drivers. They work in the same areas and use the same route. X knows that Z's taxi is always filled to capacity. X feels that he has the sole right to that particular route, and decides to shoot and kill Z. One day, having stopped next to each other at a red traffic light, X is overcome with anger. The windows of Z's taxi are tinted, so that it is impossible to see whether there are any passengers inside. X fires a shot in the direction of the driver's seat of Z's taxi, hoping to kill Z. The bullet misses Z, but hits Y, who is sitting next to Z. Y is very badly wounded, but miraculously survives. Discuss X's criminal liability.

Answer

This is a situation of *aberratio ictus*. *Aberratio ictus* is not a form of mistake as X aims correctly at his target, but misses due to a lack of skill. X can be convicted of malicious injury to property because he shattered the taxi window. He had intention in the form of *dolus indirectus* (indirect intention) in respect of the window. X can be convicted of the attempted murder of Z, since he had *dolus directus* (direct intention) to kill Z, even though he did not kill him. X can also be convicted of attempted murder in respect of Y. X knew that Z's taxi is always filled to capacity. The court will in all probability come to the conclusion that X had foreseen the possibility that he could miss Z and kill a passenger sitting next to the driver, and that he had reconciled himself to such a possibility. Such a conclusion would be fair, since X had fired a shot at the driver's seat despite the tinted windows, knowing full well that Z's taxi was usually filled to capacity. Note that if Y had died, X would be guilty of murder if the court found that he had foreseen the possibility that he could hit Y and that Y could die as a result of it, and had reconciled himself to such a possibility. Since X had *dolus eventualis* in respect of Y's death and since Y did not die, he can be convicted of attempted murder only in respect of Y.

Question 10

X, P and Q decide to steal money from Y, a shopkeeper. X tells P and Q that he knows that Y does not possess a firearm. He also tells them that, although none of them has a firearm, he (X) has a toy pistol with which he plans to threaten Y. They then decide that the three of them will go to the shop and that X will point the toy pistol at Y and threaten to shoot him if he does not hand over the money in the cash register. Before going to the shop, P sees X concealing a sharp knife under his clothes. He foresees that X may use the knife in the shop and that somebody may get killed as a result. However, he does not say anything to X about the knife and voluntarily goes with the others to the shop. Q does not know that X has a knife concealed under his clothes. X, P and Q go into the shop. X points the toy pistol at Y and threatens to shoot him if he refuses to hand over the money. A scuffle ensues, and during the commotion P and Q remove the money from the cash register. In the course of the scuffle between X and Y, X draws the knife from under his clothes and stabs Y in the chest while P shouts: "Kill him!", P and Q run away with the money. Y dies as a result of the stab wound. Discuss the question of whether X, P and Q may all be convicted of murder in terms of the doctrine of common purpose.

Answer

X complies with all the requirements for murder. His act was the direct cause of Y's death. X's act was unlawful. He cannot rely on any ground of justification. Because X stabbed Y in the chest, the reasonable inference can be drawn that X had intention to kill Y.

P and Q can only be found guilty of murder if the state can prove that they shared a common purpose with X to kill Y. **The mere fact that they all had the intention to rob Y is not necessarily sufficient to warrant the inference that all of them also had the common purpose to kill.** A common purpose is established by proving a previous agreement to kill or active association with the execution of the common purpose (*Safatsa; Mgedezi*). **In terms of the doctrine of common purpose, X's act of killing Y is then imputed to the other accused.** The intention or purpose which triggers the operation of common purpose is not confined to *dolus directus*, but includes *dolus eventualis*. It may be argued that P had performed an act of association with the execution of the common purpose by shouting "Kill him!" and he had intention to kill in the form *dolus eventualis*. He knew that X had a knife with him and foresaw the possibility that X might use the knife in the shop and that somebody might get killed as a result, and reconciled himself with this possibility (*Mambo*). P and X had a common purpose and in terms of the operation of the doctrine of common purpose, X's act of killing Y is **imputed** to P. P can be found guilty of murder in terms of the doctrine of common purpose.

Q was unaware that X had a knife with him. So the inference cannot be drawn that he foresaw that their conduct in the shop might result in Y's death and that he had reconciled himself to this possibility. Although he took part in the robbery, the inference cannot be drawn that he had the intention to kill Y and he cannot, together with X, be held responsible for Y's death by virtue of the doctrine of common purpose (*Mambo*).

7.11 The examination

7.11.1 Admission to the examination

You must submit two compulsory assignments during the semester in which you are registered. If you have registered in the first semester, you must submit the first semester's assignments only. If you have registered for the second semester, you must submit the second semester's assignments only. Both assignments contribute to your semester mark.

NB: PLEASE NOTE THAT YOU MUST SUBMIT THE FIRST ASSIGNMENT IN ORDER TO BE ADMITTED TO THE EXAMINATION.

All students who submit the first compulsory assignment **in time (before or on the date of submission)** will be admitted to the examination. In other words, a student who submitted the first assignment but obtained 0% will still be allowed to write the examination. Students who do not submit the first compulsory assignment before or on the due date **will not receive admission to write the examination, irrespective of whether or not they submit the second compulsory assignment thereafter.**

The marks you receive for the two compulsory assignments will comprise 40% of your final mark.

7.11.2 Examination period

This module will be offered in a semester period of fifteen weeks. This means you will write the examination in May/June 2018 if you have registered for the first semester and in October/ November 2018 if you have registered for the second semester.

During the course of the year the Examination Section will provide you with further information on the examination in general, examination venues, examination dates and examination times.

7.11.3 Examination paper

At the end of the semester you will write **one two (2)-hour paper** in module CRW2601. The paper counts **100** marks.

Please take note that, irrespective of the semester mark you obtained, you must obtain at least 40% in the examination (before any adjustments) in order for your semester mark to be taken into account for your final mark.

7.11.4 Previous examination papers

Previous examination papers will be made available to you via myUnisa. The examination paper of the year preceding your registration will be sent to you in a tutorial letter. To help you in preparing for the examination, the answers to the questions in this examination paper will be provided to you.

7.11.5 Supplementary examination and the semester mark

Supplementary examinations may be granted provided you received a sub-minimum of 40% in the examination.

Please note that should the University grant you a **supplementary examination, your semester mark will count towards your final mark only if it benefits you.**

The position is the same for students who write the **aegrotat (sick) examination**. In other words, students who are unable to write the examination for health reasons and have a medical certificate to prove it and students who write a supplementary examination will be in the same position.

7.11.6 Suggestions on how to approach the examination

It is a good idea to read carefully through the paper first in order to note the maximum number of marks allotted to each question, and then to decide on the maximum amount of time that you should devote to each question.

When answering a problem-type question – that is a question setting out a hypothetical factual situation on which you have to answer certain questions - it is inadvisable to start writing the solution immediately. You should rather first ascertain the legal principles that are relevant to finding the solution. Describe these principles and then provide your ideas on a possible solution of the problem. Your explanation of the relevant legal principles will earn you valuable marks even if your final conclusion is not absolutely correct.

If a question requires you to **define** certain concepts or to **state** certain principles or criteria, your answers should be brief and to the point. It will then not be necessary to discuss or comment in detail, except if asked to do so.

Please structure your answers in **short paragraphs**. It is difficult for lecturers to read through pages of “unbroken” text. Start each new point or aspect with a new paragraph. **Subheadings, underlined**, will also facilitate marking. If you quote decided cases or the names of authors of books or articles, please **underline** these **names**. (Please note: we will never require you to know the reference of a case, e.g. 1957 (3) SA 710 (T).)

8 FREQUENTLY ASKED QUESTIONS

We receive many calls from students asking the same questions over and over again. We have therefore decided to include the answers to these frequently asked questions in this tutorial letter. Please read this section first before making an unnecessary telephone call about the following questions:

1. Are there assignments for CRW2601? Do I have to submit the assignments?

Yes, there are **three assignments**. The **first assignment is compulsory**, which means you **must submit it in order to obtain admission to the examination**. The **second assignment is also compulsory**, and counts towards your semester mark. The **third assignment is the self-evaluation assignment, and must not be submitted**.

2. What do I do if I experience problems with the contents of the tutorial material for CRW2601?

Please do not hesitate to contact one of your CRW2601 lecturers. You can **phone** any of the lecturers, **make an appointment to come and see us personally**, write a **letter** or send an **e-mail**.

3. Do I have to study the contents of the statutes and the court cases that are given in the study guide?

Yes, but only as they are discussed in the study guide and the prescribed textbooks. However, if it is indicated in this letter or in the study guide that you must read a court case in the *Case Reader*, then you must also study the case in the *Case Reader*.

4. I have not yet received a study guide or tutorial letter. Can you send me a copy of the study guide/tutorial letter?

No, unfortunately we **do not keep the tutorial material in our offices**. You must contact the **administration** at the telephone numbers provided in **paragraph 3.3 of this tutorial letter or send an e-mail to study-info@unisa.ac.za**.

5. When do the classes at Unisa start?

Unisa is a university which offers **distance learning**, and is **not a residential university**. Therefore, we do not offer classes to our students on a daily basis. However, we do offer tutorial classes on a weekly basis at Unisa Learning Centres throughout the country. Do yourself a favour and find out more about these tutorial classes! (See 4.2.4 of this tutorial letter for more information.)

6. Do you have group discussions/visits for CRW2601?

Yes, there are group discussion classes which are conducted by the lecturers.

7. Do I have admission to write the examination in CRW2601?

All students who submitted the first compulsory assignment in time (before or on the closing date), will automatically receive admission to the examination, regardless of the marks obtained for the assignment.

Students, who have not submitted the first compulsory assignment in time, will not receive admission to the examination.

8. What is the so-called “semester mark”, “examination mark” and “final mark”?

Make sure that you understand these different concepts which are clearly explained in 8.1 to 8.5 above. Study these sections very carefully.

9. Where do I find previous or old examination papers for CRW2601?

Previous examination papers are made available to students on *myUnisa* under the “Official study material” link. **Memoranda are not provided to students.** However, we will also provide you with an example of a previous examination paper with comprehensive feedback in a tutorial letter.

10. When and where am I writing the examination?

Sorry, we do not have this information yet. The university will inform you of the relevant date, time and venue in due course.

11. When will the examination results be released?

Sorry, we do not have this information yet.

12. Where do I find my examination results?

On the day that the examination results are released, you will find the results

- (a) on **notice boards** at the main campus in Pretoria, as well as the regional offices/learning centres
- (b) on the **Internet** at <http://www.unisa.ac.za>
- (c) by calling the toll free number of the MTN Voice Response System: **083 1234**

A hard copy of your official results will also be **posted** to you.

Please note that examination results will not be made available via e-mail or telephone.

13. What do I do if I am not happy with my results?

Consult the information on the **back** of your **official results sheet, which you will receive in the post**, for the **different options** to pursue if you are not satisfied with your results. Also consult the brochure *my Studies @ Unisa* which you received as part of your study package.

14. How do I apply for the remarking or rechecking of my examination script?

You will find **all the information** on the remarking or rechecking of examination scripts on the **back** of the **official results sheet** that you will receive in the **post**. You will also find the information in the brochure *my Studies @ Unisa* which you received as part of your study package.

15. I have passed CRW2602. For which modules do I have to register now?

You must consult the brochure *my Studies @ Unisa*.

9 CONCLUSION

Please note that you will receive a total of **FOUR** (4) tutorial letters this semester. Your first tutorial letter (101) is this one received on registration. In addition, you will also receive a second tutorial letter (102), a third tutorial letter (201) which will provide feedback on the first compulsory assignment and a final tutorial letter (202) which will provide commentary on the second compulsory assignment.

Please note that you can also access these tutorial letters electronically on *myUNISA* (<http://my.unisa.ac.za>) under the course code CRW2601 at the link "Official Study Material". We look forward to working with you this semester and hope that you will enjoy this module.

Please feel free to contact your lecturers if you require any further assistance. All the best with your studies!

Your lecturers,

PROF N MOLLEMA
PROF L JORDAAN
MR RD RAMOSA