

CMY3704

(488940)

October/November 2017

FORMAL REACTION TO CRIME

Duration 2 Hours

75 Marks

EXAMINERS

FIRST

SECOND

EXTERNAL

MRS MJ VICTOR-ZIETSMAN

DR MS THOBANE

DR K BOOYENS

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

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INSTRUCTIONS

- Answer **ALL** the questions in **SECTION A**
- Answer **THREE** questions in **SECTION B: ONE 25 mark question; ONE 15 mark question and ONE 10 mark question.**
- Write neatly and legibly
- Number your answers **exactly** as they appear on the question paper
- This examination paper consists of seven (7) pages plus instructions for completion of a mark reading sheet
- Please complete the attendance register on the back page, tear off and hand to the invigilator

SECTION A (Answer ALL questions on a mark reading sheet provided)

- 1 John, aged 84, is tried on a charge of murder after killing his best friend, Pete, by deliberately giving him an overdose of pain killers. During the trial, it is established that Pete, who was terminally ill, begged John to kill him. As a result, John experienced a lot of stress. He does not show remorse for what he has done.

How many mitigating factors are present in the above scenario?

- 1 2 factors
- 2 3 factors
- 3 4 factors
- 4 5 factors

(1)

- 2 As far as the offender, as part of the traditional triad, is concerned, which of the following factors must be considered during sentencing?

- 1 physical, mental and emotional state, existence or absence of previous convictions, motive for the crime
- 2 impact of long-term incarceration, remorse and willingness to compensate, public opinion
- 3 existence or absence of previous convictions, impact of long-term incarceration, physical, mental and emotional state
- 4 motive for the crime, vigilantism must be discouraged, the nature and gravity of the crime

(1)

- 3 A victim impact statement is a statement aimed at providing information to the court. Which of the following options are **NOT** applicable to a victim impact statement?

- 1 physical and financial impact
- 2 emotional and psychological effect
- 3 impact on the family
- 4 profile of the criminal

(1)

- 4 The pre-sentencing report is a valuable tool to the presiding officer in determining a suitable sentence, and as such it must be honest, correct and reliable. These characteristics refer to the element of

- 1 flexibility
- 2 selection
- 3 confidentiality
- 4 responsibility

(1)

- 5 In terms of Section 297(1) of the Criminal Procedure Act, Act 51 of 1977, a court may suspend a sentence for a period not exceeding
- 1 3 years
 - 2 4 years
 - 3 5 years
 - 4 10 years
- (1)
- 6 Concerning the nature and extent of the crime and the way in which it has been committed, the expert witness should pay attention to certain aspects of the crime in the pre-sentencing report. To which **ONE** of the following aspects should the expert witness **NOT** pay attention?
- 1 gravity of crime
 - 2 place of commission
 - 3 involvement of accused
 - 4 consequences of crime
- (1)
- 7 During a strike that turned violent, a shop owner was assaulted by Lawrence, one of the strikers. He was arrested and during the trial Lawrence's colleagues testified that he is a gentle person and that this crime is contrary to his nature. An expert witness is called to explain Lawrence's behaviour and makes mention of the occurrence where an individual can be radically transformed by the behaviour of a group of which he is part to the extent of developing a collective mind. The view of this witness refers to
- 1 undue influencing
 - 2 contagion theory
 - 3 rehabilitation potential
 - 4 correctional motive
- (1)
- 8 Which one of the following options is regarded as the central theme offered as the rationale behind imprisonment as a punishment objective?
- 1 capacity elimination
 - 2 social defence
 - 3 probability decrease
 - 4 crime prevention
- (1)
- 9 Ms X has stabbed her husband with a knife after he has beaten her. After being found guilty, the court sentenced her to be kept in custody for 12 hours. The state files for appeal against this decision because, generally speaking, no court may impose a sentence that is shorter than
- 1 3 days
 - 2 4 days
 - 3 7 days
 - 4 14 days
- (1)

- 10 "The personal factors of the accused can naturally take on a variety of forms but they all have one characteristic in common, namely that they form part of the composition of the offender's personality " Which **one** of the following options may **NOT** be treated as a distinct circumstance in the pre-sentencing report?
- 1 The age and health status of the offender
 - 2 The position of the offender within the family
 - 3 The attitude towards the offender
 - 4 The professional life of the offender
- (1)
- 11 There is a demand that the scope of the legal system be extended so that the future life of the offender in the community is considered, both during sentencing and in the correctional phase This demand is based on .
- 1 reintegration
 - 2 rehabilitation
 - 3 justice
 - 4 assessment
- (1)
- 12 Which one of the following options is NOT a punitive objective?
- 1 Retribution
 - 2 Clemency
 - 3 Deterrence
 - 4 Rehabilitation
- (1)
- 13 Robert is found guilty after murdering his mother-in-law Prior to committing this crime, he was already found guilty on several charges of assault with the intent to do grievous bodily harm Factors that are related to the fact that the accused was repeatedly found guilty for committing serious crimes, and that must be taken into account during sentencing, is known as.
- 1 just deserts factors
 - 2 aggravating factors
 - 3 retribution factors
 - 4 proportionality factors
- (1)
- 14 When punishing an offender, the sentence must always reflect an element of humaness This refers to
- 1 mitigating factors
 - 2 rehabilitation
 - 3 mercy
 - 4 proportionality
- (1)

- 15 What does the term "crime clearance rate" refer to?
- 1 It is the percentage of crime known to the police
 - 2 It is the percentage of criminals that are being trialled
 - 3 It is the percentage of criminals that are convicted
 - 4 It is the percentage of crime that is never detected
- (1)
- 16 Indicate the most correct option. The primary consideration in penance is not the harm done by the crime, but rather the
- 1 motive for the crime
 - 1 the feelings of society
 - 2 the effect on the victim
 - 3 moral blame of the offender
- (1)
- 17 The underlying thought of revenge is that
- 1 the aggrieved party acts in private and personal capacity against the offender
 - 2 the criminal deserves a form of punishment that can compensate for the injustice
 - 3 punishment is deserved and should be in relation to the serious nature of the crime
 - 4 the legal order in a community must be restored by punishing the criminal
- (1)
- 18 The duration of periodic imprisonment to which an offender can be sentenced can vary from 100 to 2000 hours and the sentence is served over periods of at least
- 1 12 hours
 - 2 24 hours
 - 3 36 hours.
 - 2 48 hours
- (1)
- 19 According to Terblanche (2007), it is accepted that _____ is a basic building block of every sentence and that the characteristics thereof are also qualities of consistent and fair sentencing
- 1 revenge
 - 2 penance
 - 3 retribution
 - 4 just deserts
- (1)
- 20 Community service is performed in the interests of the community and without any remuneration. Normally, _____ of community service per month is demanded for the purposes of correctional supervision
- 1 12 hours
 - 2 16 hours
 - 3 24 hours
 - 4 48 hours
- (1)

- 21 Compulsory minimum sentencing might impinge on the principle of and could be unconstitutional
- 1 rationality
 - 2 equity
 - 3 reliability
 - 4 proportionality
- (1)
- 22 Commissioner X tries to curb the spree of burglaries in a specific neighbourhood by erecting closed-circuit televisions and many street lights. He also deploys foot patrollers in civil clothes to patrol the streets during the night and day. These crime deterrence efforts can be categorised under deterrence
- 1 absolute
 - 2 partial
 - 3 general
 - 4 marginal
- (1)
- 23 The Repentasin Prison is a maximum security facility. Upon inspection by the prison authorities, it came to light that the internal social control in this prison is undermined. In addition, prisoners are constantly fighting, and consequently both prisoners and wardens experience a lot of stress. As a result the relationship between prisoners and wardens are negatively affected. The aspects mentioned are known as the
- 1 order crises
 - 2 material crises
 - 3 goal crises
 - 4 institutional crises
- (1)
- 24 It is unjust to punish a person for a crime that he has not yet committed, because it would mean that justice is sacrificed for the sake of possible crime prevention. According to this argument, a/an is criticised
- 1 selective incapacitation policy
 - 2 collective incapacitation policy
 - 3 general incapacitation policy
 - 4 absolute incapacitation policy
- (1)
- 25 The Criminal Procedure Act, Act 51 of 1977, makes provision in various ways for the payment of damages to the victim or the victim's family. This is known as
- 1 compensation
 - 2 restitution
 - 3 restoration
 - 4 integration
- (1)
[25]

SECTION B: Answer **THREE** questions: **ONE 25 mark question;**
ONE 15 mark question; and
ONE 10 mark question

Answer **one** question (Number your answers **exactly** as they appear on the question paper)

- 1 Discuss the purpose and functioning of a pre-sentencing report (25)
- 2 Critically discuss compulsory minimum sentences (25)

Answer **one** question (Number your answers **exactly** as they appear on the question paper)

- 3 Discuss hedonism and utilitarianism as a basis for deterrence (15)
- 4 Discuss the role of restorative justice in the reintegration process (15)

Answer **one** question (Number your answers **exactly** as they appear on the question paper)

- 5 Indicate how retribution can restore a disturbed legal balance (10)
 - 6 Discuss the advantages and the disadvantages of imprisonment (10)
- [50]

Total: 75 marks

PART 1 (GENERAL/ALGEMEEN) DEEL 1

STUDY UNIT: g' PSY100 X
STUDIE EENHEID: bv PSY100-X

1

INITIALS AND SURNAME
VOORLETTERS EN VAN

3

DATE OF EXAMINATION
DATUM VAN EKSAMEN

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PAPER NUMBER
VRAESTELNOMMER

2

EXAMINATION CENTRE (E.G. PRETORIA)
EKSAMENSENTRUM (BV. PRETORIA)

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STUDENT NUMBER
STUDENTENOMMER

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UNIQUE PAPER NO.
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For use by examination invigilator
Vir gebruik deur eksamenopsiener

IMPORTANT

- 1 USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
- 2 MARK LIKE THIS
- 3 CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
- 4 ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
- 5 CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
- 6 CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
- 7 CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
- 8 DO NOT FOLD

BELANGRIK

- 1 GEBRUIK SLEGS N HB POTLOOD OM HIERDIE BLAD TE VOLTOOI
- 2 MERK AS VOLG
- 3 KONTROLEER DAT U VOORLETTERS EN VAN REG INGEVUL IS
- 4 VUL U STUDENTENOMMER VAN LINKS NA REGS IN
- 5 KONTROLEER DAT U DIE KORREKTE STUDENTENOMMER VERSTREK HET
- 6 KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS
- 7 MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
- 8 MOENIE VOU NIE

PART 2 (ANSWERS/ANTWOORDE) DEEL 2

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Specimen only

MARK READING SHEET INSTRUCTIONS

Your mark reading sheet is marked by computer and should therefore be filled in thoroughly and correctly

USE ONLY AN HB PENCIL TO COMPLETE YOUR MARK READING SHEET

PLEASE DO NOT FOLD OR DAMAGE YOUR MARK READING SHEET

Consult the illustration of a mark reading sheet on the reverse of this page and follow the instructions step by step when working on your sheet

Instruction numbers ❶ to ❿ refer to spaces on your mark reading sheet which you should fill in as follows

- ❶ Write your paper code in these eight squares, for instance

P	S	Y	1	0	0	-	X
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- ❷ The paper number pertains only to first-level courses consisting of two papers

WRITE

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 for the second. If only one paper, then leave blank

- ❸ Fill in your initials and surname
- ❹ Fill in the date of the examination
- ❺ Fill in the name of the examination centre
- ❻ WRITE the digits of your student number HORIZONTALLY (from left to right). Begin by filling in the first digit of your student number in the first square on the left, then fill in the other digits, each one in a separate square
- ❼ In each vertical column mark the digit that corresponds to the digit in your student number as follows [-]
- ❽ WRITE your unique paper number HORIZONTALLY
NB Your unique paper number appears at the top of your examination paper and consists only of digits (e.g. 403326)
- ❾ In each vertical column mark the digit that corresponds to the digit number in your unique paper number as follows [-]
- ❿ Question numbers 1 to 140 indicate corresponding question numbers in your examination paper. The five spaces with digits 1 to 5 next to each question number indicate an alternative answer to each question. The spaces of which the number correspond to the answer you have chosen for each question and should be marked as follows [-]

◆ For official use by the invigilator. Do not fill in any information here